

Interviewee: James Biggs
Date: December 16, 2015

James Biggs is a former professor of NNMC. He informed me that the College used Federal grant money, which should have been used for a specific program, to pay his salary. When the College refused to put the money back, he reported it to the US Department of Education. Subsequently, the College had to pay the money back. He discussed that during a meeting with Ricky Serna he was assaulted and the incident was reported to the police department.

He also discussed that the College had purchased \$100s to \$1,000s worth of equipment for three labs at the El Rito Campus. He alleges the equipment was purchased with funds from the Exito Grant and the Escrow Grant and that it is missing. He does not know where the equipment is but recalls the College tried to sell it.

He was a professor in the environmental sciences department at the College and states that he had between \$70,000 and \$80,000 in his program account. He stated the money went missing and that it likely resulted from the College shuffling money around.

He said the video of Domingo Sanchez and Ryan Cordova at the bookstore is a form of proof that was reported and turned in to the Higher Education Department (HED). He also stated that HED had completed an audit on the procurement issues regarding BlueSky Builders.

He stated the College received a grant, between \$270,000 and \$280,000, for equipment. Kitchen equipment for the El Rito campus was purchased and may have been resold. The equipment was new and unopened. It cost approximately \$300,000. James Biggs stated that items disappeared frequently from the campus.

According to James Biggs, the College received many grants including an Exito grant worth \$270,000 and a grant from EPSCoR for \$30,000. In 2012, the College received a grant from HED.

He believes former NNMC President Rusty Barceló and former VP of Advancement Ricky Serna were forced out. He also thinks Domingo Sanchez is the next individual to go and was given the interim President position because there was no one else to elevate into it. James Biggs stated that Domingo Sanchez has a "shady past".

Interviewee: Hilario Romero

Date: March 21, 2016

Hilario Romero is a former employee of NNMC. He stated he worked there for approximately thirty-one years. He was a director for the NM Education Opportunity Center and also served as a faculty member of NNMC who taught NM History, Education, and Spanish courses. He also assisted with grant writing which led to the awarding of \$28,000,000 in federal monies and \$5,000,000 in private funds. He is a former State Historian (1980-1981).

He stated that the College should have three main goals for students. Those goals are recruit, retain, and graduate students but alleges that has not happened in the last five years (i.e. 2010 to 2015). He alleges that there was over 4,000 students in 2010 and that number has decreased to 1,000 in 2015. He blames mismanagement of executive staff. He also alleges that he was pushed out of the College for speaking up against executive staff who he claims have no experience with higher education.

The programs he and others are worried about are the Upward Bound and College Assistance Migrant Program (CAMP) and funding related to the NM Educational Opportunity Center. Also, he stated the College has received approximately \$6,000,000 in Title V grants and \$1,500,000 for Student Support Services.

Hilario Romero informed me that Michael Branch brought Barceló to NNMC. He stated that she would not answer emails and had an annual salary of approximately \$200,000. He alleged that Barceló does not tolerate diversity. He also alleged that Ricky Serna is a hatchet man who was appointed as a personal staff member of Nancy Barceló.

A concern that exists among the employees is the "annual purges" at NNMC. He stated the employees are not given a reason for their firing/non-renewal of contracts but they believe it is related to negative things they say about the President and her "henchmen". Another concern is that funding is used for favored programs and that management has slowly cut the budgets of programs they do not favor. He stated Michael Branch is responsible for most bad decisions the College has made.

He also believes that Domingo Sanchez believes he will stay as long as he chooses who that person will be. Domingo Sanchez allegedly had a "clean-up" man from New Mexico Highlands University. Hilario Romero thinks Domingo Sanchez needs to go and also stated

Hilario Romero stated that the College has a certified auto program that has state-of-the-art technology. He alleges management has tried to get rid of the director. He stated vocational programs had as many as 2,000 students and that number dropped down to approximately 1,000 students. He stated that around 80% of students were first or second year students and about 20% were upper grad students.

Hilario Romero stated that he and other community members want the State Auditor to go in and clean up before the arrival of the new president. He stated the new president is not responsible for

the past mistakes of the former president or her staff. Also, he stated that there should be transparency at the College. He also believes that Provost Pedro Martinez is the next president.

Guadalupe Jaramillo

From: Kevin Sourisseau
Sent: Wednesday, March 16, 2016 11:40 AM
To: Guadalupe Jaramillo
Cc: Kelly Mercer; Chelsea Martin; Hamish Thomson
Subject: RE: Espanola

Chelsea and Guadalupe,

I spoke to Justine and listened to a voicemail from Hilario *Romero*.
His issue is not related to Espanola, it is related to Northern NM College.
So I am forwarding this to Guadalupe since she has an open case with NNMC.
The correct number is 474-4533 or a cell of 231-1941. Hilario did not provide an area code, I would try 505 first.

Thank you

From: Kevin Sourisseau
Sent: Wednesday, March 16, 2016 11:21 AM
To: Chelsea Martin <Chelsea.Martin@osa.state.nm.us>
Cc: Kelly Mercer <Kelly.Mercer@osa.state.nm.us>
Subject: Espanola

Chelsea,

Can you please give Hilario a call at the number listed within the next week?
Please let him know that you are following up on behalf of Auditor Keller regarding the recent conversation between the two.
Our direction is to listen to Hilario and document the conversation and get back to Auditor Keller through the executive team on the issues raised.
We will need to also evaluate the info provided to determine if we need to add a line to the tracking sheet.

Espanola: Hilario at 505 or 575 474-4333 ,

Thank you

Kevin Sourisseau, CPA
Special Investigations Director
New Mexico Office of the State Auditor
2540 Camino Edward Ortiz, Suite A
Santa Fe, NM 87507
Phone: (505) 476-3820
Fax: (505) 827-3512
Email: kevin.sourisseau@osa.state.nm.us

Hamish Thomson

From: Pedro Lorenzo Martinez <pedrolmartinez2010@hotmail.com>
Sent: Thursday, August 25, 2016 11:27 AM
To: Hamish Thomson
Subject: Fw: Pictures of the Greenhouse at El Rito
Attachments: ATT00001.htm; image1.jpeg; image2.jpeg; image3.jpeg; image4.jpeg; image5.jpeg; image6.jpeg; image7.jpeg; image6.jpeg; image5.jpeg; image2.jpeg; image7.jpeg; image3.jpeg; image1.jpeg; image4.jpeg

This is only one of the equipment that I encountered that was bought and never used. I also have another equipment in one of the labs, and spectrometer that was bought and have never been used. The faculty in the Sciences were complaining that they were not consulted. This was part of the purchase frenzy at the end of the fiscal year to give the impression that they were complying with the grant goals.

In a meeting early in the Fall of 2015, when Domingo had asked me to provide him with any receipts and purchases from grants, Ricky Serna told Domingo and I that he had purchased a million dollars of equipment. Domingo Sanchez was upset because in several executive meetings these purchase created a cash flow for the college. There is a lot of equipment left behind at el Rito.

There was very expensive equipment that is stored at one of the warehouses at El Rito. When I tried to rescue a very expensive equipment I was told that I could not bring it back to the campus. Water seepage was destroying the fire simulation and the cameras that were at El Rito. This is when Joaquin Gallegos and Cecilia Romero had taken a tour with me to see what equipment we could salvage and use on campus.

There were very expensive equipment at El Rito, scuba diving, and other water suits. I ma not sure what Ocean they were trying to explore. The were fa machines, computers that were relative I new and unused. There was a room that I could not enter because the handle for the door was removed and could not see what equipment was being stored. It was quite obvious that equipment was bough not with the intention for use but simply to spend federal funds due to lack of oversight and poor planning. When I alerted the Board because nothing was being done, they refused to meet with me. Will mail e-mails that I forwarded to my private e-mail

As I search for more pictures you will receive them piecemeal. Some of my e-mail has been deleted, not by me!

Pedro Martinez

Do you need a \$67,000 Green House?

From: Pedro Martinez <pedro.martinez@nnmc.edu>
Sent: Thursday, June 16, 2016 4:17 PM
To: pedrolmartinez2010@hotmail.com
Subject: Fwd: Pictures of the Greenhouse at El Rito

----- Forwarded message -----

From: Pedro Martinez <pedro.martinez@nnmc.edu<mailto:pedro.martinez@nnmc.edu>>

Date: Fri, Nov 20, 2015 at 3:55 PM
Subject: Re: Pictures of the Greenhouse at El Rito
To: Joaquin Gallegos <joaquin.gallegos@nnmc.edu<mailto:joaquin.gallegos@nnmc.edu>>

Thank you!

On Fri, Nov 20, 2015 at 3:54 PM, <joaquin.gallegos@nnmc.edu<mailto:joaquin.gallegos@nnmc.edu>> wrote:
Hello Dr. Martinez,

Here are the photos I took.

[image1.jpeg][image2.jpeg][image3.jpeg][image4.jpeg][image5.jpeg][image6.jpeg][image7.jpeg]

Have a wonderful thanksgiving.

Regards

Joaquin Gallegos

Sent from my iPhone

On Nov 20, 2015, at 3:13 PM, Pedro Martinez <pedro.martinez@nnmc.edu<mailto:pedro.martinez@nnmc.edu>> wrote:

Joaquin,

I hope you enjoy your Thanksgiving Break. When you have a chance, could you send me pictures of the greenhouse stored at El Rito.

Pedro

Dr. Pedro L. Martinez, Provost
and Vice President of Academic Affairs
NORTHERN New Mexico College
921 Paseo de Oate
Espanola, New Mexico 87532
pedro.martinez@nnmc.edu<mailto:pedro.martinez@nnmc.edu>
(505) 747-2112<tel:%28505%29%20747-2112>

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(505) 747-2112

Hamish Thomson

From: Pedro Lorenzo Martinez <pedrolmartinez2010@hotmail.com>
Sent: Thursday, August 25, 2016 11:28 AM
To: Hamish Thomson
Subject: Fw: Pictures of the Greenhouse at El Rito

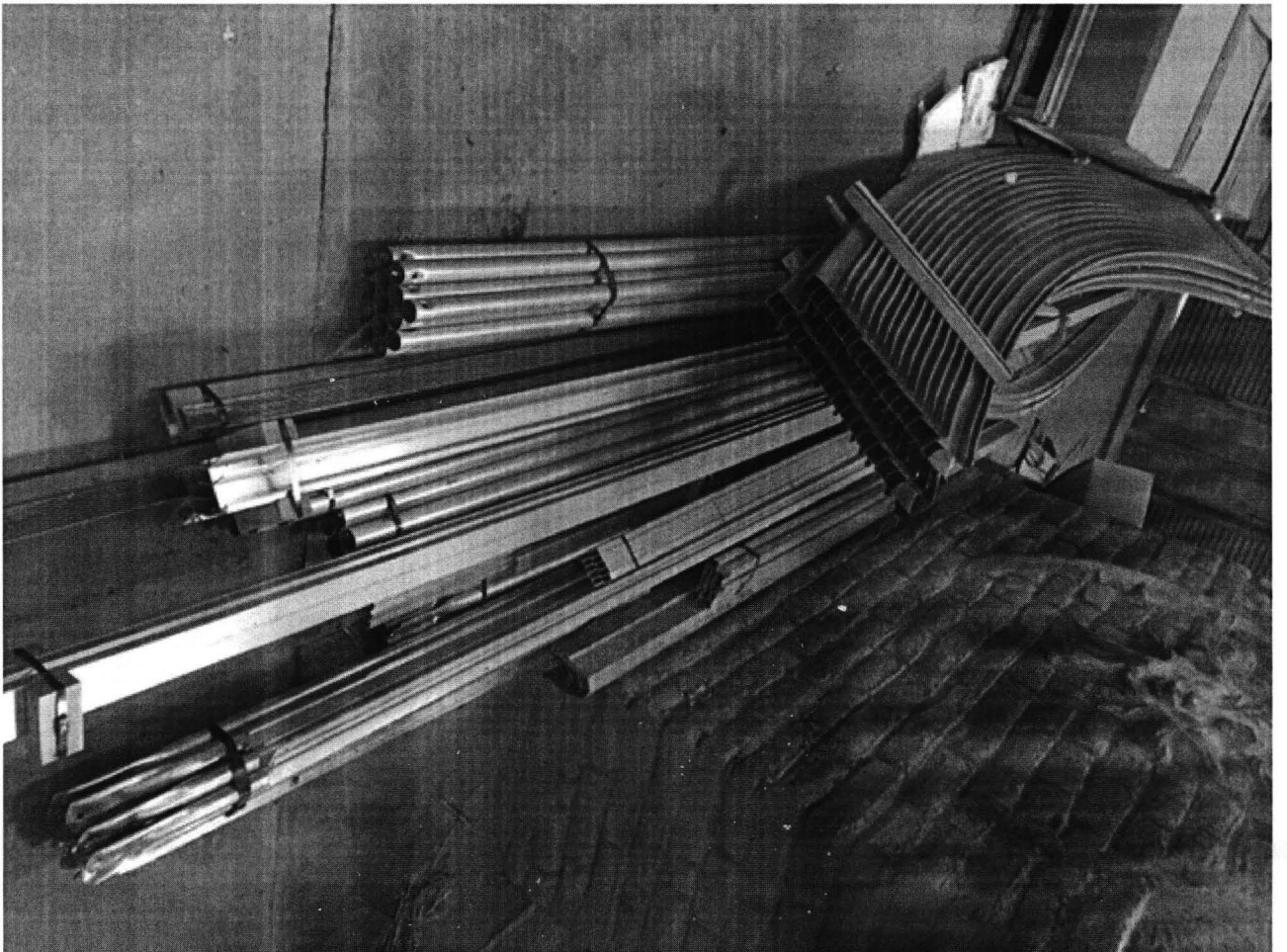
----- Forwarded message -----

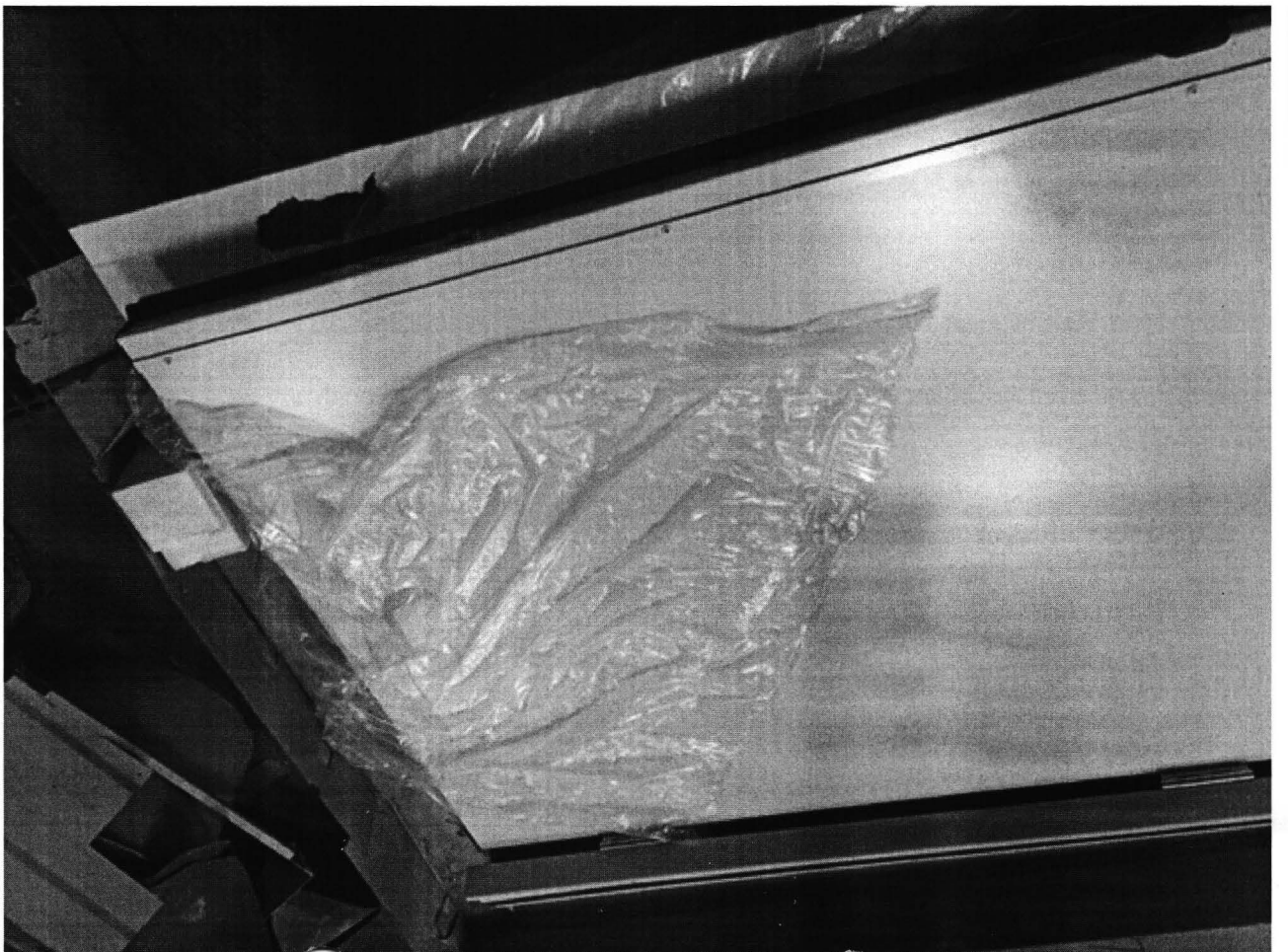
From: **Pedro Martinez** <pedro.martinez@nnmc.edu>
Date: Fri, Nov 20, 2015 at 3:55 PM
Subject: Re: Pictures of the Greenhouse at El Rito
To: Joaquin Gallegos <joaquin.gallegos@nnmc.edu>

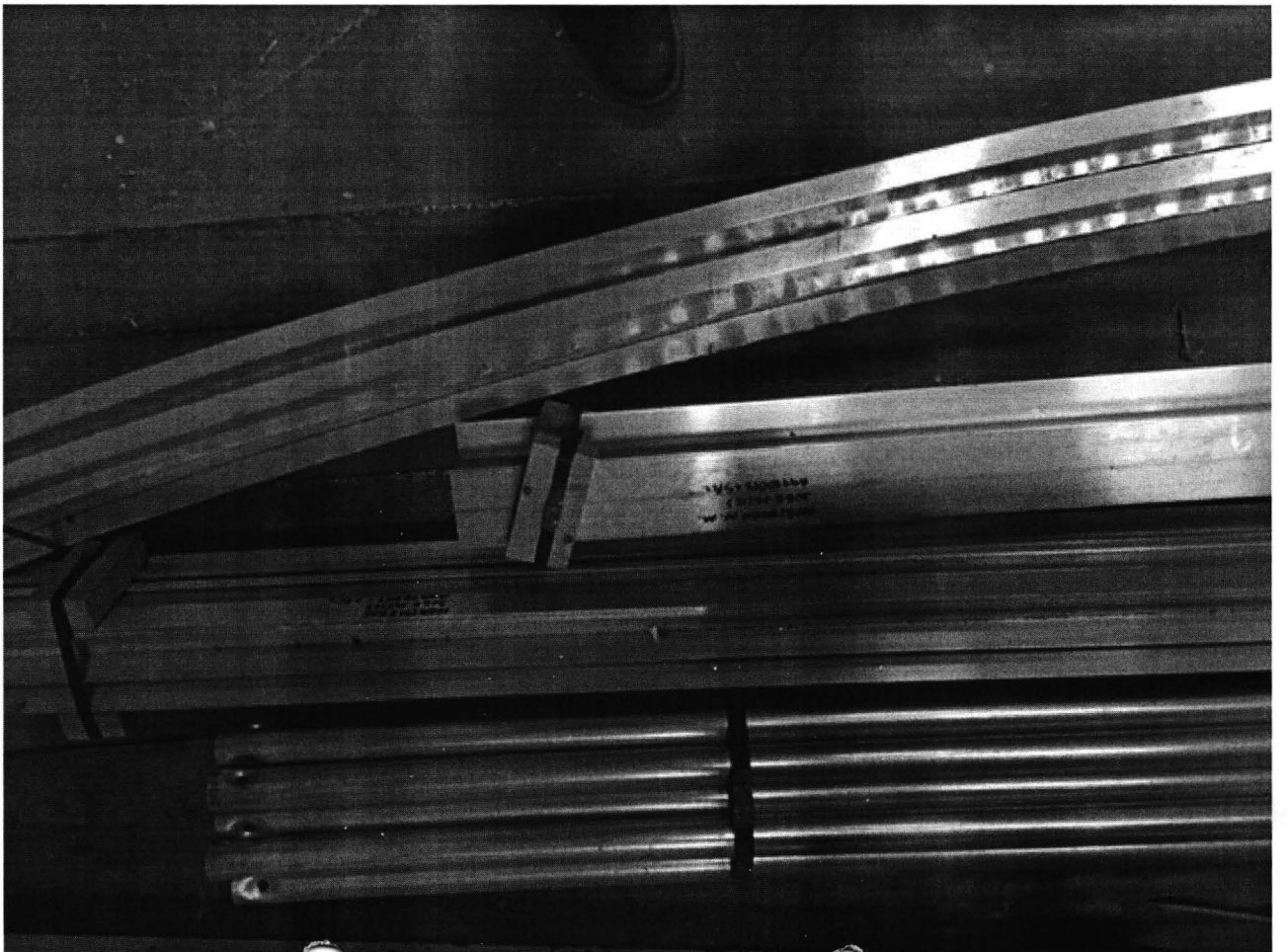
Thank you!

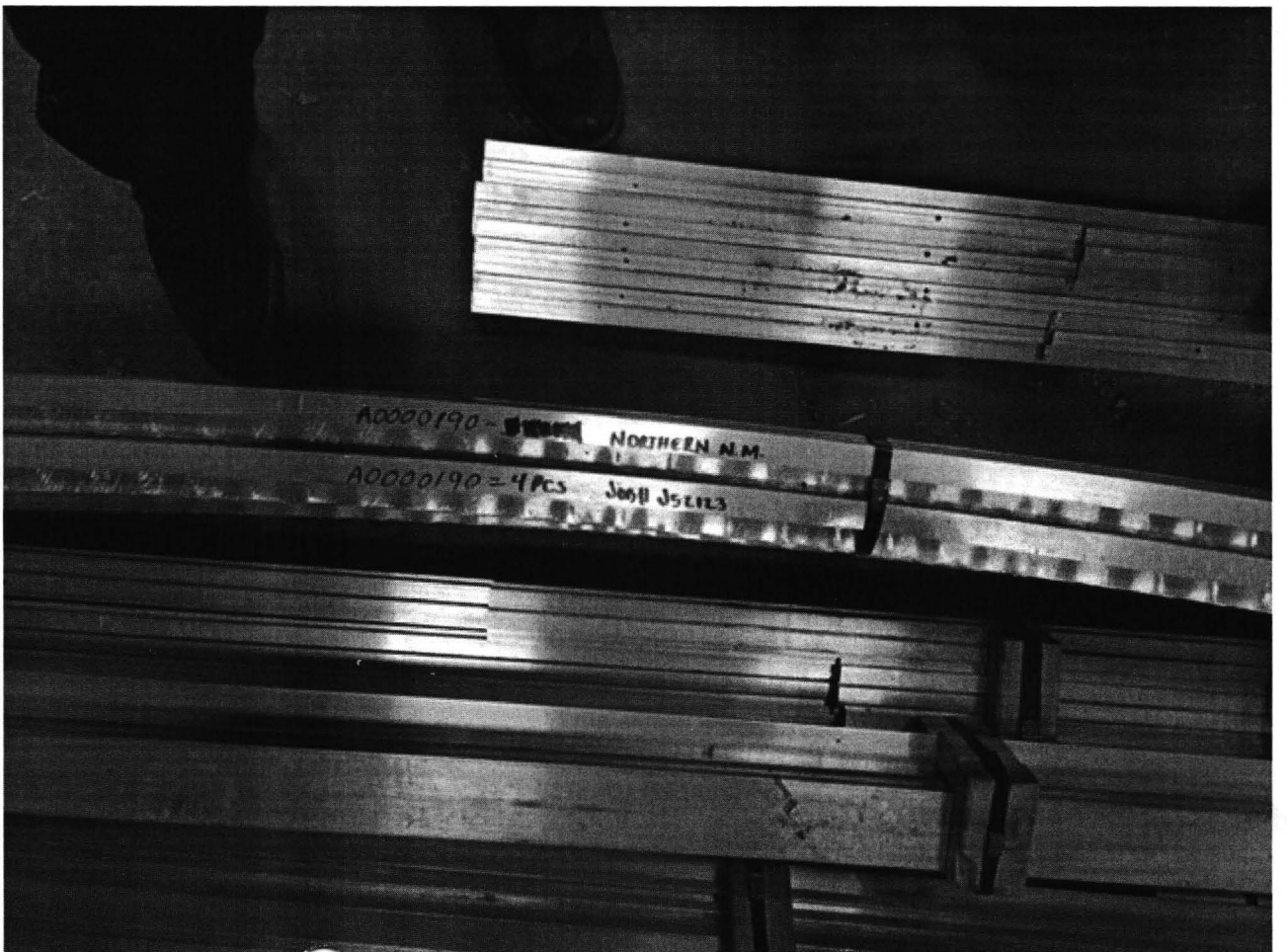
On Fri, Nov 20, 2015 at 3:54 PM, <joaquin.gallegos@nnmc.edu> wrote:
Hello Dr. Martinez,

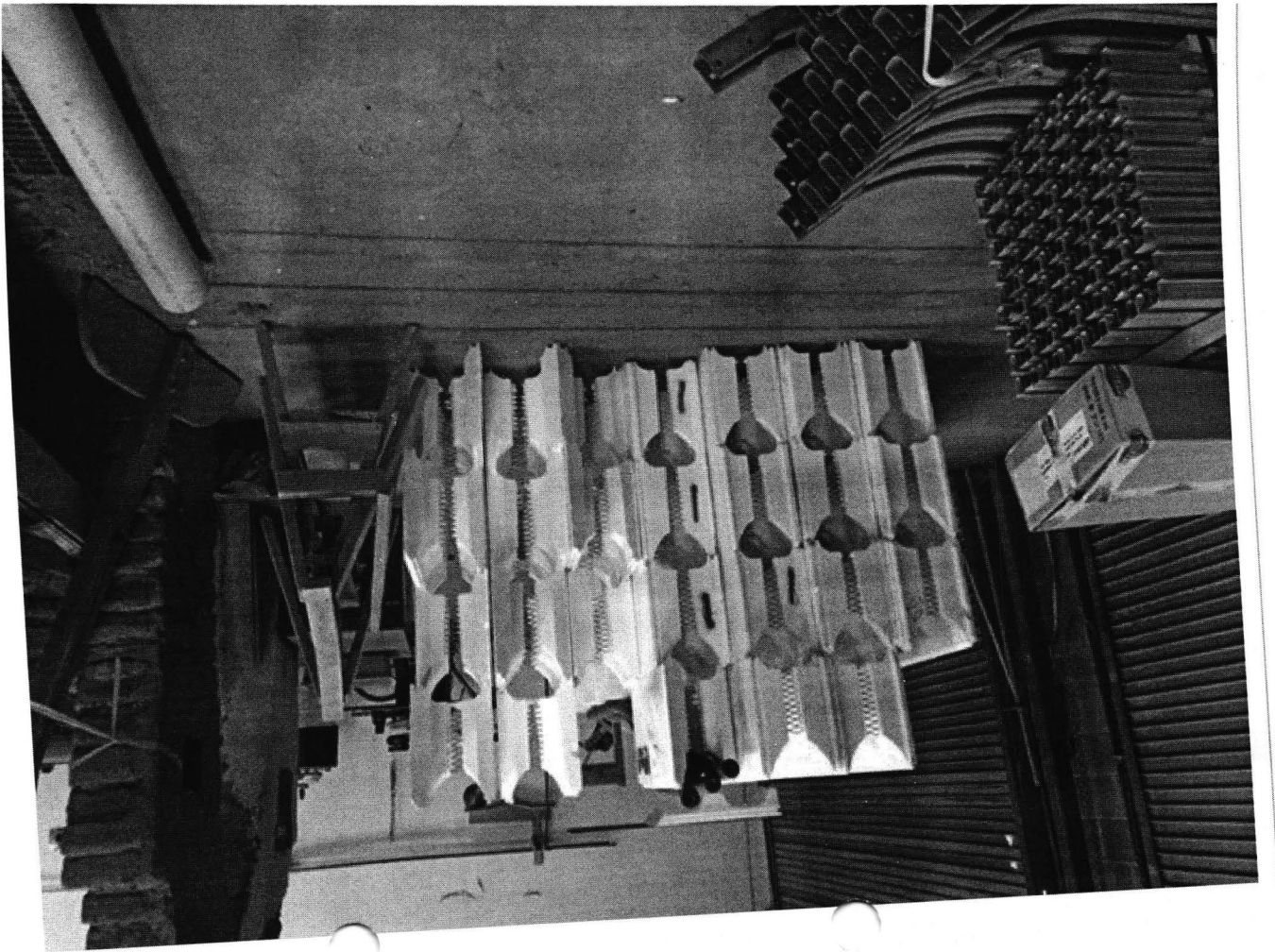
Here are the photos I took.

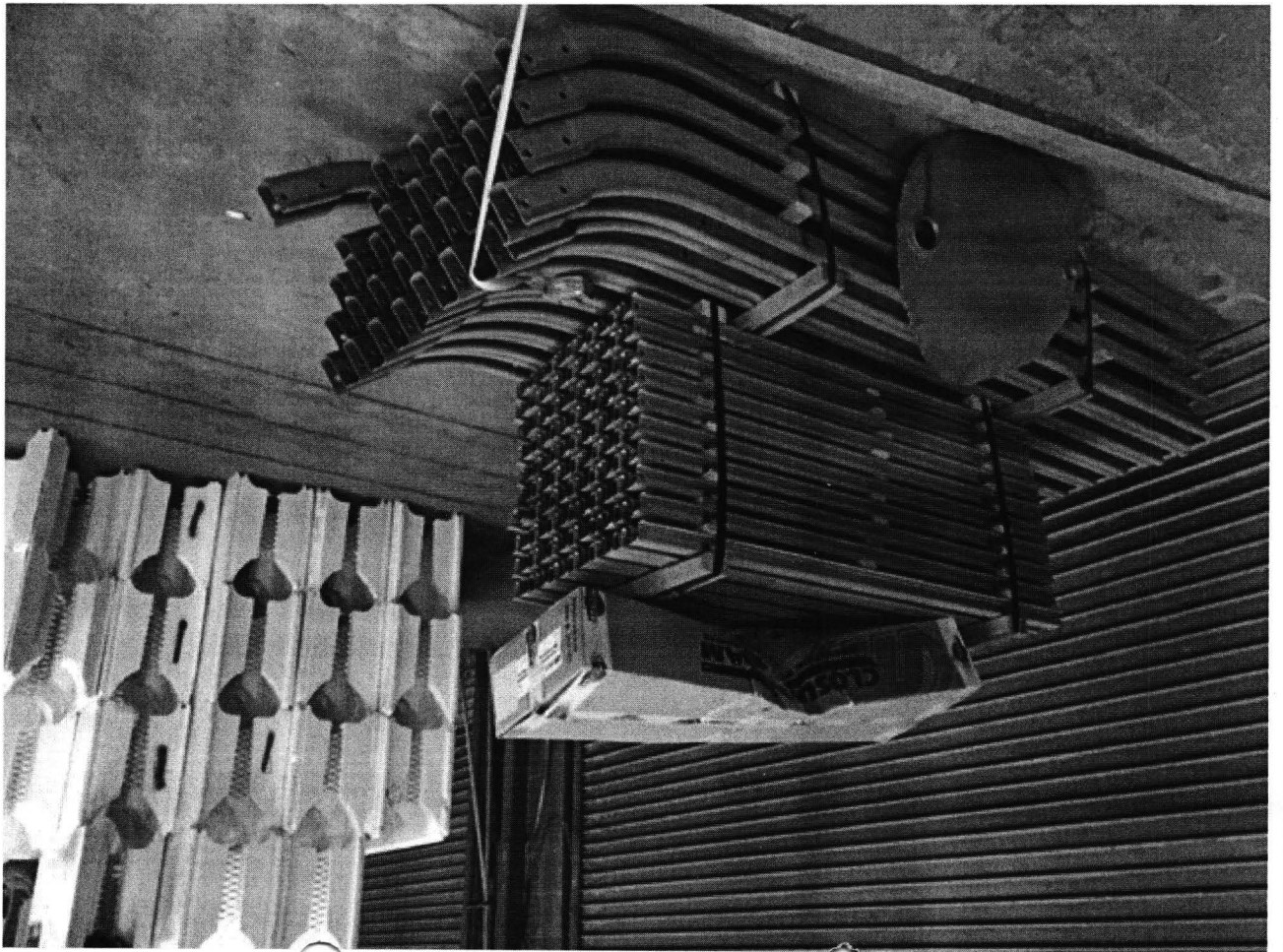


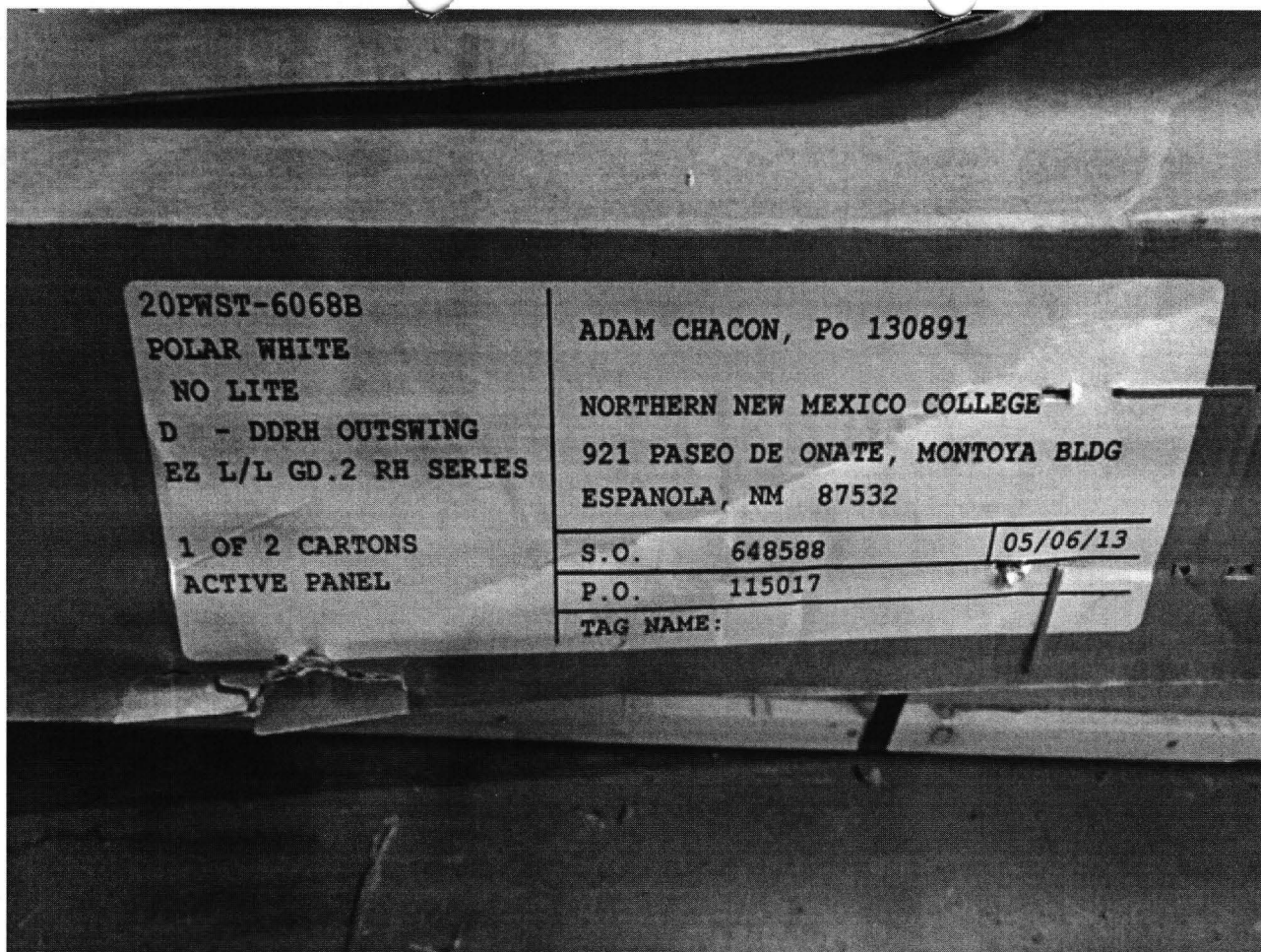












Have a wonderful thanksgiving.

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Hamish Thomson

From: Pedro Lorenzo Martinez <pedrolmartinez2010@hotmail.com>
Sent: Thursday, August 25, 2016 11:43 AM
To: Hamish Thomson
Subject: E-mails from me expressing concerns about grants.
Attachments: E-mails concerns with grants.docx; Response to Allegations Biggs (1).docx; Rosario Garcia.docx; Response to Evaluation.docx

I will continue to see what other pictures from e-mails I was able to salvage. But I can tell you where that equipment is presently located.

The supplanting of Joaquin Gallegos full year salary, I will have to scan and forward to you. If you accept a copy of a text message, I will do that or even mail you a hard copy.

The hiring of a friend of Ricky Serna who was paid without producing reports, I will have to find. I forwarded a copy to Domingo Sanchez but he never acknowledge the e-mail. Strangely enough, that e-mail has been deleted but I had printed a hard copy,

PLM

Joaquin,

After our conversation yesterday, I have elected to assume oversight for Melissa Salazar and her role as the PD for the Title II project. I remain interested in the memo you are drafting that articulates your concerns with her performance to date. I want to address the items with Melissa immediately.

I can notify Melissa of the change. It will be my pleasure to liaison with you and Dr. Sena on the project, specifically the role your faculty will continue to play in the project. Please let me know if you have any questions or additional feedback. Thanks!

RS

--

Ricky Serna

Vice President for Institutional Advancement

Northern New Mexico University

921 Paseo de Oñate

Española, New Mexico 87532

505-747-2116 (O)

505-692-4465 (C)

Dear Mr. Serna,

Thank you for the update. As I had mentioned, I am grateful for being relieved of this charge.

I am working on the letter I mentioned. It outlines some areas of concern I would like to convey regarding this project. I hope it will be useful. You should have it by tomorrow.

As for COE faculty involvement, I will be most happy to assist you in any way I can. I have received a description of tasks for Prof. Esquibel and we are ready to submit her PAF. I am still waiting to hear from Dr. Cavalcante.

Lastly, we have submitted a purchase order for supplies to Ms. Montoya. These are provided for under the grant and intended to support our faculty in the performance of their assigned tasks. Of course, faculty will continue to be serving the participating schools beyond the project duration, e.g., placements for interns. We have a separate purchase order for a computer. Ms. Montoya suggested we contact PED and secure approval from the fundor (Dr. Viola Lopez-Herrera).

If I can be of further assistance, please feel free to contact me as convenient.

Best,

Joaquin

Dr. Joaquín S. Vilá
Dean College of Education

NORTHERN New Mexico University

A small community, a world of experience!

921 Paseo de Oñate

Española, New Mexico 87532

Office Phone: 505-747-2194

Fax: 505-747-5464

E-mail: Joaquin.Vila@nnmc.ed

ing also spoke about encouraging employees to set annual goals and take responsibility for planning their personal development. Supervisors and managers can help by urging employees to take the lead and providing the tools they need.

<http://www.huffingtonpost.com/dr-brian-c-mitchell/the-evolution-of-faculty- b 2943426.html>

- **Informed by co-faculty member that Chair Ulises Ricoy has made racial slurs about me and that I was “gone” from the college; grants officer also had discussion with him where he used a derogatory term describing another anglo faculty member**

The above statement is FALSE. I have NOT made any “racial slurs” about any Faculty member. Nor have I told anybody that Dr. Biggs “was gone”. The “only discussion” I ever had with the “Grant Officer” (Carman Melendrez) is when she went to my office (sometime in early-mid August 2013) to ask me that since I was a “friend” of Dr. Patricia Trujillo (P.I of Exito Grant; this is the grant Dr. Biggs and Dr. Montes-Helu were using at El Rito Campus in concert with Carman Melendrez to process service and contract work) that I should convince her to “sign off” the remainder 50-60 K “left” in purchases as it was not “a big deal.” This unannounced visit was strictly unprofessional and unethical on behalf of the Grants Officer (Carman Melendrez). Further, we at Northern have a formal policy and procedures flowchart that was NOT followed (professional insubordination). Prior to this visit by Carman Melendrez (sometime in mid-August 2013), I (as Chair) had no knowledge of the expenditures or plan that was being done at the El Rito Campus. In retrospect, I can now say that the Exito Grant (which was originally coordinated by Terry Mulert) changed directors (without my knowledge as Chair) when Terry Mulert resigned. I am not exactly clear on the length of time that the Grants office (headed by Mr. Ricky Serna and with the assistance of Carman Melendrez) took the initiative to “redirect” the purpose of the Exito grant (in what my understanding is now) to invest in the Environmental Science (without my knowledge as Chair of Biology, Chemistry and Environmental Science) program (laboratories, and a greenhouse). By now, I have also learned that by the time Carman Melendrez came to my office to request “my help” to talk to Dr. Patricia Trujillo, Dr. Trujillo had been recently appointed by the President to oversee the Exito grant (removing it from the oversight of the Grant Office personnel). At that time, it is precisely when Carman Melendrez (who works for Mr. Ricky Serna) came to my office seeking me to convince Dr. Trujillo as she “was my friend” according to Carman Melendrez. From that moment forward, this group (Dr. Biggs / Dr. Montes-Helu, Carman Melendrez) have accused “Dr. Sena and myself” of discrimination and retaliation. I want to note that if it was not for me acting as a ‘whistleblower’ as Chair of the Department, my supervisor (Provost) would not have been aware of the situation. Since then, Carman Melendrez has defamed both Dr. Sena and I with other Faculty (ex: Dr. Ivette Guzman) that we ‘steal money’ from grants, that we are ‘racist’ and that we are ‘retaliating’ against Dr. Biggs.

August xx: Mario told by Ulises/Tony that Camilla’s position would not be back filled until next year to save money.

August 27, 2013 (?): Mario Montes informed me that Ulises Ricoy told him that I had gone to LANL about the \$100K funding and that I was the reason it was dropped to \$75K perpetuating the false rumor initiated by Tony Sena (which I believe to have been initiated by C. Bustamante). Mario also said that Ulises informed him that “James is gone, he’s done” and that I would be essentially fired.

As Chairperson, I learned that Dr. Camilla Bustamante (Director of Environmental Science) resigned in August 2013. Due to budget and timing, we could not immediately fill the vacancy, this vacant position

was not the only position that was put "on hold" due to budget. This information was shared to the appointed *interim* Director (Dr. Montes-Helu).

As Chairperson, in conversation with my supervisor, we learned (from outside reliable sources) that Dr. Biggs was contacting the LANL Community offices. Although there is nothing wrong with contacting outside agencies, decisions are not made by individuals but rather by the College (proper chain of command structure). Once again, we have (Northern) a formal policy and procedures in terms of contacting outside agencies that was not followed (professional insubordination). I never made the statement "James is gone, he's done."

August 30, 2013: Mario informed me that Ulises instructed him to immediately advertise to hire someone to replace Camilla B. on I&G. Ulises sent Mario templates for RTA and job description. Mario asked about me and Ulises responded by saying that I was out, done and that I would not be here long.

As Chairperson, I did notify Dr. Montes-Helu to begin drafting a document (RTA) Request to Advertise (as this is a long process of submitting and approval) and that I would help him with the creation of the ad / job description to ultimately hire the vacant position left by the resignation of Dr. Camilla Bustamante. I forwarded to Dr. Montes-Helu templates of RTA and job description as examples. Due to the procedure and process of creating an RTA, an approved ad, and identifying the financial source of the position, I encouraged Dr. Montes-Helu to begin "immediately" on this task. As of today, are in the process of selecting a candidate for this position. Once again I never said that Dr. Biggs "was out, done" and that he "would not be here long."

Sept. 4: Mario informed me that Ulises stated that El Rito was going to be shut down and that I was going to be gone and not to worry about me. I requested to Mario that he immediately find out if Tony and Ulises are going to place me back onto I&G and if they do not do so soon, I would file a formal grievance against Tony and others for discrimination and/or retaliation. Mario emailed Tony to set up a meeting for 330pm today.

The above statement is FALSE. I never said that "El Rito was going to be shut down." Nor did I say that Dr. Biggs was "going to be gone, and not worry about" him. I did have a conversation with Dr. Montes-Helu and suggested to him that he (as a new Faculty member should focus on his own research, his students and the success of his academic program and scholarly output. Dr. Montes-Helu asked me about the fate of the El Rito Campus, which I replied I did not know, as that was a decision outside of my professional jurisdiction as Chair that involved the College. I also told him that the whole time I have been at Northern (Espanola Campus), folks have discussed that perhaps El Rito Campus will close down, as it is not fully occupied. Given this, I said to him that we need to move forward and not hold our breath as these decisions were not in my control. I even used a hypothetical scenario as an analogy to explain that he (Dr. Montes-Helu) should focus on his own students, his own research agenda, and his own projects. The hypothetical scenario was "let's say that El Rito does shut down" then what, what are you going to do? What is your plan?"

Informed by Carman Melendez that she was informed by Carla Montoya of the grants office that the reason why \$55K in PRs for El Rito are not being signed because Tony Sena and Ulises Ricoy do not want me to receive the equipment and succeed at El Rito.

Ariel *****Very Important in your investigation

As stated above, Carman Melendez (Grant Writer) came to my office sometime in August to convince me into talking to Dr. Patricia Trujillo as "she is my friend" (the Principal Investigator of the Exito grant) so that the remainder of the Purchase Requests could be signed (50-60K). As explained earlier, at this point, I had no previous knowledge of the expenditures at El Rito Campus (solicited by Dr. Biggs and Dr. Montes-Helu) nor about any institutional proposal ('official'). I immediately notified my supervisor (Dr. Anthony Sena) that the proper approval (grant submission procedures & project routed forms) were not being followed and that institutional decisions were being made the Grant writer / Grants Office and a group of Faculty (Dr. Biggs and Dr. Montes-Helu). I told Carman Melendrez that the proper channels and procedures had not been followed and that I was not going to be "lured" into "convincing Dr. Patricia Trujillo." I now know that Carman Melendrez responded negatively by allying with Dr. James Biggs / Dr. Montes-Helu and alleging that Dr. Sena and I do not want them to "succeed at El Rito." From that moment forward, 'this group' have accused Dr. Sena and myself of discrimination and retaliation among other things. I want to note that if it was not for me acting as a whistleblower as Chair of the Department, my supervisor who was not included in any email communication (I later FW the email to him) and as a result, Dr. Sena drafted the email below. On October 8, 2013, the Provost sent the following email which upset Carman Melendez (Grant Writer) and Dr. James Biggs and Dr. Montes-Helu:

Anthony Sena <asena@nnmc.edu>

10/8/
13

to Henrietta, Melissa, Patricia, Mario, me, Ricky, Carla, Domingo, Carman

Melissa,

Let me be clear on this issue. Dr. James Biggs has no authority to request, ask, or direct you to effect any of these actions.

You will bring to me any, and all, actions or documentation relating to contracts or agreements that impact the College's academic or business office units.

Regarding any El Rito initiative associated with EXITO; only after we have vetted these activities through the appropriate channel(s), and have requisite approvals, will we move forth with any implementation. We are moving ahead with a meeting this Friday at 3:30pm to discuss EXITO. Also, I plan to visit with you on this and other issues within a few days.

If I do not hear otherwise then I know this message is clear and understood.

Thank you. -Tony

Anthony Sena, PhD
Provost & Vice-President for Academic Affairs
Professor, Program in Biology
Northern New Mexico College
921 Paseo de Oñate
Española, New Mexico 87532

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asena@nnmc.edu

October 2. Ulises Ricoy is continuing to inform other faculty that El Rito campus is being closed and this has gotten back to me. I informed Tony Sena that it is also getting out to the public and because it is a false rumor, it should stop. He responded that he does not deal with rumors and indicated he would do nothing about it.

As reiterated earlier, I never stated "that El Rito campus is being closed."

On August 27, Mario Montes mentioned to me that he had had a discussion with Ulises Ricoy, Chair of our dept. During that conversation, Ulises Ricoy stated that the administration was trying to get rid of me for certain reasons. Ulises also stated that I had reported to LANL that Tony had allocated their contribution to NNMCM to the biology program and that they may have did something inappropriate with the money. He also stated that they only received \$75K because I went to LANL over this issue. HOWEVER, as previously stated, I have never had a discussion with anybody at LANL regarding these funds once they were allocated to NNMCM. Both Tony Sena and Ulises Ricoy continue to make allegations regarding my involvement in this matter so on August 27, 2013, I contacted Carol Rutten at LANL who oversees these funds and asked her if I had anything to do with this or if I had a discussion with her about this money after it was allocated to NNMCM; she explicitly stated that I did not and would not have had any influence regarding that money. She referred to detailed records of allocating the money to Rusty Barcelo to determine where it should go. Also, LANL made a decision to reduce the funding to \$75K based on a business decision. She stated she would go to the administration and specifically clarify this issue with the President and others if they are unclear; I declined her invitation at this time because of fear of retaliation by the administration. She stated that she would testify about this on my behalf if necessary.

August 30, 2013: Mario informed me that Ulises instructed him to immediately advertise to hire someone to replace Camilla B. and to be placed on I&G funding. However, he was initially told that this position would not be filled until next year to save money. Ulises sent Mario templates for RTA and job description and told him to move on it. Mario asked about me being placed back onto institutional funds and Ulises responded by saying that I was out, done and that I would not be here for long. Just

Sept. 4: Met with Mario to discuss my options for moving back to I&G; Mario would meet with Ulises to discuss. Mario informed me that Ulises stated that El Rito was going to be shut down and that I was going to be gone and not to worry about me. I requested to Mario that he immediately find out if Tony and Ulises are going to place me back onto I&G and if they do not do so soon, I would file a formal grievance against Tony and others for discrimination and/or retaliation. Mario emailed Tony to set up a meeting for 330pm today.

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Ariel- Important ****

As described earlier, I notified my supervisor that the proper channels and procedures were not being followed by the Grant writer (bypassing the Chair, Dean and the Provost) and Dr. Biggs / Dr. Montes Helu. I want to note that this group had not included Dr. Sena (as Provost) in any email communication (I later FW email to him) and as a result, Dr. Sena drafted the email below. On October 7 and 8, 2013, the Provost sent the following emails to Melissa Velazquez (Director of El Rito), and Carman Melendez (Grant Writer).

Anthony Sena <asena@nnmc.edu>

to Carman, me, Ricky, James, Mario, Melissa

10/7/
13

Carman,

Attached are the procedural and the project approval routing forms.

These forms are particularly apt for those grant proposals, such as you describe here, affecting comprehensive units within the College.

Feel free to contact me should you need more information.

Anthony Sena <asena@nnmc.edu>

to Melissa, Patricia, Mario, me, Ricky, Carla, Domingo, Carman, Henrietta, James

10/8/
13

Melissa,

Agreements involving the institution are made by the College and not by individuals.

On an occasion when an individual faculty member cannot meet an academic obligation, then I will be ultimately responsible on what direction will be taken. For any such decisions impacting financial obligation (as is apparent here) this will be in consultation with, and approval from, the VP for Finance and Administration.

This issue that is not open to further interpretation or debate.

-Tony

As evidence that Carman Melendez was irritated by my whistleblowing on the EXITO grant, she can be passive aggressive as demonstrated by the following email after I ask to meet with her on another grant:

Carman Melendrez <carmanmelendrez@nnmc.edu>

Feb
3

to Ricky, me

I am working on a HEP grant and can't take on one more thing until that goes in.

I would like to submit a TUES grant for the college, but it's not a one faculty or one department grant. How can one faculty or one tiny department TRANSFORM undergraduate education in STEM at Northern? It's NOT possible!

This is a college-wide effort and will require buy-in and input from every faculty in every department. It effectively means recreating all student's first year experience.

Anything short of that is NOT worth submitting b/c it will NOT be effective. Look at our Title III and Title V grants. Millions of dollars each year and our retention and graduation rates have not changed.

How do we expect as a college to get new Title III or Title V grants when we have little to nothing to show for the millions?

I am having conversations with other faculty about creative approaches to some of this. When I have time, I'll include you.

Carman

I notified Dr. Sena about the condescending tone and unprofessionalism of Carmen Melendez and Dr. Sena sent the following email below. It is clear that Carman Melendez, Dr. Biggs and Dr. Montes-Helu are very angry when I as Chair notified my supervisor about the fact that the institutional policies and procedures were not being followed.

Anthony Sena <asena@nnmc.edu>

Feb
4

to Ricky, me, Carman

Ricky,

This response is truly an inappropriate response from a grant-writer. Carman has a right to her opinions, yet, in the email below, her condescending tone, along with the inappropriate representation of herself as a gateway in setting the tone and direction for our proposals and curricular efforts tells me that she does not understand her role.

Our STEM faculty has no intent on imposing on Carman's valuable time; in fact, I am confident that they can write any grant as effectively, or more so, within the department. What our faculty need from your office is support and direction with grant compliance, assistance on the timely submission of proposals and reports, and training on grants management.

As she gains more experience, Carman will surely learn to appreciate how individuals at Northern have brought about initiatives that have successfully served our College and students while transforming how we teach. Obviously, implementation of any project relies on a comprehensive and complementary team approach. It is via individuals that the generation of ideas and methods are tested and, when amplified among others, yield efforts that enhance self-confidence and educational opportunities for our students. This is the basic premise behind the goals of the highly NSF's DUE, EHR and several other directorates. Likewise the NIH's NIGMS, R15 and Challenge Grants have all challenged programmatic faculty at the departmental level to transform classroom and laboratory approaches and make learning more effective.

Most of the formative efforts that have changed STEM at Northern happened when we did not have a grant writer. As an example, the original MSIEP award to NNMC led to the establishment of our math and science program, developed faculty and curricula and infrastructure that is the root of our efforts today. This was the vision and dedication of a single person (Dr. Sigfredo Maestas); his ideas continue to reverberate among our STEM faculty. Similar programs that are still yielding initiatives include the Friday Academy which had its beginnings nearly 20 years ago by a single individual and now involves most departments across the College. This approach has inspired hundreds and is still making a difference for pre-college students and for our relations with the community. Similarly, our undergraduate research experience (URE) opportunities, encouraging faculty-directed mentoring in hands-on

research, has been recognized at the state (NM-AMP) and national levels (SACNAS) as models for enhancing the numbers of underrepresented students in STEM. Indeed the success of our NSF-REU Site PUSH project with LANL contributed to the development of the NSF's URM initiatives. Just this month Northern's mentoring and outreach initiatives were by being selected as highlighted showcase on the NSF's web and distributed literature.

Imagine how much more we can accomplish when we have a climate mutual respect and collegial support.

Anthony Sena, PhD
Provost & Vice-President for Academic Affairs
Professor, Program in Biology
Northern New Mexico College
921 Paseo de Oñate
Española, New Mexico 87532

505.747.2291
asena@nnmc.edu

Rosario (Chayo) Garcia <chayo@nnmc.edu>

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to me

Dear Pedro:

I have received your request. Generally, the board may decide as a body whether a matter is appropriate to hear in executive session, including whether the matter is properly before the board and whether the issue already has gone through the chain of command.

My immediate impression of your request is that it is not appropriately before the board at this time. If as you mention, you have a file folder of materials that outline your concerns about grant money use, as part of your job, you should be providing that to the President and the appropriate department for assessment. Other than saying that you mentioned it in the past to Rusty, I do not see anything in your email indicating that you have fully disclosed your concerns, put them in writing, or given the College a full opportunity to review the information and respond. If you have not done that, I think your request to present to the board is premature.

Of course, once that process is fully completed and the administration has fully reviewed your concerns, if you still believe that there are deficiencies, then the board may be able to engage in a review role. However, at this juncture, your request is likely out of compliance with the chain of command and the board's expectations for how such issues should be handled.

That being said, I will let the board know of your request so that, if the board decides to go that route, the request for a meeting can be considered at our next meeting (after tomorrow).

I appreciate your patience and compliance with the chain of command. Also, while the board is considering these issues, I request that you not attempt to intervene in the board members' review of this matter. This will allow the process to run its course and for the board to get involved if and when appropriate.

Thank you.

Sincerely,

Pedro Martinez <pedro.martinez@nnmc.edu>

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to Rosario

Thank you very much for your consideration. I also have another matter to discuss. After notifying the board of my concerns, I received a letter from President Barcelo than in my opinion is retaliatory in nature. This situation is creating a hostile environment for me and has been going on since the board received an anonymous letter that has been attributed to me. I am requesting your advice in this matter.

Thank you,
Pedro

Pedro Martinez <pedro.martinez@nnmc.edu>

12/
1/1
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to Rosario, Kevin, Damian, Melinda, Nancy, Sally, Amy

Dear Regent Garcia,

I am wondering if I have the opportunity to privately discuss during you executive session a confidential matter that must be brought to you attention. I have brought this matter up to the President Barcelo early in September during one of my outstanding meetings and subsequent discussion during one of our executive meetings. However, I do not see that this matter has been addressed which in my opinion places Northern New Mexico College in a very precarious situation related to the use of funds to purchase equipment through grant funding..

I do have an extensive folder with information, including pictures and purchase requisitions that I would like to share with you. However, I ask that I speak with you alone during this discussion..

Thank you in advance in consideration of this request,

Attentively yours,
Pedro

**Dr. Pedro L. Martinez, Provost
and Vice President of Academic Affairs
NORTHERN New Mexico College
921 Paseo de Oate
Espanola, New Mexico 87532
pedro.martinez@nnmc.edu
(505) 747-2112**

----- Forwarded message -----

From: **Melinda DeHerrera** <melinda_s_deherrera@nnmc.edu>

Date: Tue, Dec 1, 2015 at 11:28 AM

Subject: Re: Personal and Confidential Matter

To: Pedro Martinez <pedro.martinez@nnmc.edu>

Cc: "Rosario (Chayo) Garcia" <chayo@nnmc.edu>, Kevin Powers <kevin.powers@nnmc.edu>, Damian Martinez <damian.martinez@nnmc.edu>, Nancy Barcelo <nbarcelo@nnmc.edu>, Sally E Martinez <sally.martinez@nnmc.edu>, "Amy F. Pena" <amy.pena@nnmc.edu>

Hello Dr. Martinez,

As our Provost and Vice President of Academic Affairs, I feel that you should be heard.
I agree to meeting with you, although I believe we all need to agree to your request.

7/10/2016

Submitted on 7/11/2016-hand delivered to Henri Trujillo

Mr. Domingo Sanchez III,

Below please find my comments related to an evaluation received on the late afternoon of July 29, 2016. The evaluation states that it was completed on June 23, 2016, you did not provide a copy until 06/29/16, a day before the Board of Regents Meeting. This meeting was scheduled by your administrative secretary and can be found in both of our calendars. I'm using the 10 day working day calendar to respond. Please be also be aware that I was dumbfounded by your aggressive attitude because you seemed to be annoyed when I corrected you of the inaccuracies that you were using as examples. For instance, you accused me of squandering travel funds because I attended a three-hour meeting in San Antonio, Texas. In fact, this meeting was a three-day meeting instead of three-hours, you were flustered and replied, "I'll like to see that." Let me remind you that I provided a legitimate travel request and provided you and your executive secretary with the information. You approved the travel being easily frustrated you told me that you were not going to explain anything else that I could simply read your comments. This is just another example of your threshold when dealing with people especially when you lose your cool. An evaluation is supposed to be a time to reflect and point out room for improvement, however, just like you did with Karen Hall, it really did not matter to you. It was a futile attempt to give the impression that an evaluation for improvement was taking place.

I disagree with a larger percentage of your assessment. One of the mayor reasons is that this is the first time I hear these statements that you attribute to my "shortcomings" in this evaluation. You have never provided a record of such concerns. I personally think that you have been overwhelmed by the work you have accepted and your candidacy as a potential candidate for president. This has taken a lot of your work load that has prevented you from either meeting with me and discussing issues a priori, not after the fact! Below you will find the reasons why. When I tried to discuss with you my transition, you simply blew me off by saying: "*Take a vacation!*"

I was quite aware of your intentions when On June 2, 2016, you met with me and discussed if I wanted to give up my tenure in order to continue as Provost. I also saw a change of attitude in members of your staff, some who were quite despondent after you were not selected as President. The whole campus had made comments during this period of time. During this meeting, you told me that the Board was ambivalent about renewing my contract because they saw me as a potential whistleblower and I t was cheaper in the event of me suing to pay me as a faculty rather than as administrator. I'm wondering why you and the Board might view me as a potential whistleblower? Do I have any reasons for that? You also said that they were being strategic. I just want you to know that I left a tracer about this meeting as a notarized event and I spoke with HED seeking advice. They were aware of this meeting. I don't make up stories!

My Comments

Item #2 Quality of work. See e-mails. You provided me with one-day charge to come up with a power point and you requested help from all of us. We all got together and revised and provided you with the PowerPoint. Your statements: "lack professionalism, and content", are no warranted. The deans and I worked on this given the time constraints. You were not present during this meeting where all

collectively provided you with the PowerPoint. You do not specify what you mean by "lack of content and professionalism!" See your e-mail about asking for our help.

The Board report was a form that you changed to suit your style. In more than two occasions, you did not want to submit my issues such as the warning by the Higher Learning Commission about the number of faculty because as you stated: "you did not want the Board to panic about this warning by my choice of words. For over two years, I have been warning at Executive Meetings about this problem. It became an issue when a member of the executive team purposely disseminated the wrong number of faculty and distributed public information with purposeful inaccuracies in publications for public distribution despite my warning through e-mail. However, this action was picked up by the visiting team and created a potential problem. Even as of today, HLC will continue to oversee our hiring and the number of faculty members in the respective academic departments. In multiple occasions, I was told by Nancy Barceló that this was the Student and Academic Affairs Committee was a Board Committee and that the board members should decide their agenda. She told me to butt-out and do what Melinda wanted and when Chayo Garcia to discuss when she decided to attend the meetings. It was not until recently when you began to discuss the agenda items for this committee. You did mention **some specifics** at the Deans' Retreat Meeting on Jun 16th.

Item #3 Time and Task Your comment is a generality does not provide examples how you have arrived at this. I actually don't understand what it means.

Item #4 You allude to the fact that "on several occasions" you asked the administrative assistants my whereabouts, I have always used my time properly, attended outside meetings to three committees that I participate, two from HED and one as an appointee of the Governor, HEAC. Whenever I used time, I submitted my time sheet and you signed them. Again, this statement is not substantiated and it's just another generality. On Fridays, my calendar says "Do not Disturb", it's a way to catch up with my work just like you do but I'm in attendance. I have always met my work load and Sally is always aware of where I'm in the event I have an outside meeting. I also have my attendance record. I'm very skeptical about your statement that the staff would not know my whereabouts.

I also want you to know that I kept a calendar of absences from the members of the Executive Committee. I have those in a special calendar. I was quite surprised to know that Northern had a four-week day for administrators and that quite often, some were not on campus for days on end!

Item#5 My communications with employees preceded your present supervisory role as interim President. I believe you are referring to the exchange between two employees who in my professional opinion were given away "emergency accommodations" to students without documentation of a disability. This is **very serious offense** because it destroys the spirit of the law for what it was intended. You simply do not give away accommodations to friends! I hope you have addressed this serious issue since it falls under your purview. This was quite disturbing to the point that numerous faculty and Deans were questioning and complaining the judgement and decision taken by these individuals. I have an exchange of e-mails asking to discuss the matter in private. They simply found excuses to dodge the issue. Although it might be a matter of style but e-mails set a record in order to avoid hearsay! The recent IPRA had only two exchanges from my part, one sentence each. Why are you so concerned about this IPRA? There was no extensive exchange from my part as you have described. However, I'm quite aware of the numerous IPRA requests that your office has received for over two years, to the point that it paralyzed the work flow of one employee. The IPRA request was with a faculty member not a member

of the public. You stopped by my office and said: "there is an IPRA request and I would like to know what conversations I am having with David Barton?" I'm wondering why the animosity that has existed with David Barton continues to fester? David Barton is a program coordinator and I needed to communicate with him in the best possible way. I'm sure that you have seen copies of my responses.

Item #6 I had discussed this issue as an **interim appointment**. However, the individual wanted this as a permanent appointment. He approached you after I had spoken to you. His rationale was that other deans had been appointed without a search which is a true fact. This was I suggestion not mine. I met with Ulises after my discussion with you. I think you are confused with the timing and the actual facts. He also told you that I had informed him that I had discussed this matter with you. So how can you find this second hand if I had discussed this with you which he acknowledges in your conversation with him. He was quite surprised when you called him on the phone to ask him how many times I had met with him? Also, he was confused when you asked him "if he knew anyone who was distributing to outsiders purchase requisitions". Also, I have expressed, in more than two occasions, concerns about the fact that the dean's position had been advertised with tenure as consideration, later to learn that you and the Board were adamant to grant tenure because according to your statements: "The Board was left with a bad taste in their mouth after what happened with Rusty." You also repeated this to all the Deans during our June 16th retreat. In more the two occasions you discussed with me your desire not to hire someone until August because the funding for this position had been repurposed for other temporary employment. I had obtained a spread sheet from Evette indicating how much money was left in that account so that I could plan bringing the candidate in August of 2016. What you have presented in this evaluation is completely inaccurate.

Furthermore, I found your questioning during the deans retreat inappropriate. I had not discussed this matter with them because I needed to have input from the faculty and chairs of the College of Education and Arts. I found it impertinent from your part and I received feedback that your behavior was perceived as combative and not collegial to the point that your motives were being questioned! This is another reasons why, e-mail exchange might be useful so that the memory and facts are not distorted. I have observed that during the span of my tenure at Northern you seem to lose control and express your disdain during exchanges with other employees to the point of being abusive.

Item #7 The faculty handbook was completed over a year ago. I undertook this task by myself. There is a google document available which I provided to all the members of the Executive Committee, none of which **ever made** any comments and contributions. The same is true of the Self-Study! The google document provides a record when someone has read it and the saves the single entries of comments. You also acknowledged during one of our academic meetings, the deans were present and do remember our exchange, they discussed why the Board had not responded to the handbook which I gave to Nancy Barceló last June 17, 2015. You received this document as well (see the google document in the shared drive) and I do not see a single entry from you nor other members of the executive team. The Board of Regents were supposed to have a retreat a year ago to go over the handbook and the changes I had suggested. This inactivity from their part has gone on for more than three years. David Torres senate chair, has expressed these concerns and are part of the public record of the Board of Regents Meetings. The ball has been in the Regents' court for over a year. Also, the faculty senate has been quite concerned with requests about the sick bank that have gone unanswered for more than over a year. These are important matters that are not under my purview but have gone unanswered for years and

created a perception by faculty which has been expressed multiple times that the Board simply does not care about academics.

Item #8 Indeed, I had a hard time adapting to an environment that was hostile and exclusive. You have said in public: ***"Rusty had a target on your back"***. You have said to me and to others as well as repeated this during several meetings with the Deans. Some of which were quite surprised wondering why would you say something like that in public. Some viewed it as a revisionist version to distance yourself from Rusty, ***"I was Rusty's friend but did not necessarily agree with her decisions."*** DS.

Let me give you at least four examples to illustrate my point:

1. When Regent Damian Martinez was appointed as regent, you, Rusty and Ricky went to see him in Las Cruces. I was not invited nor told that you had gone until I asked Amy where the rest of you had gone. This was a blatant act of exclusion.
2. In October of 2014, when the former Secretary of Higher Education Department, Jose Garcia, called me to express his concerns about procurement practices, missed meetings, etc. that he claimed were a pattern at Northern, I became ostracized because I shared his comments with you and Rusty. As a matter of fact, you were quite annoyed at this and expressed an expletive when I told you what Jose Garcia had communicated. Domingo, I was just the messenger!
3. There were numerous times that Rusty, you and Ricky, met for meetings at La Cocina and I was excluded until one particular day, by coincidence, I walked in during one of these meetings. I was informed by an administrative secretary that this was going on and was told that you were having a breakfast meeting at La Cocina. Rusty was quite shocked when I walked in and excused herself for forgetting to invite me because according to her, she did not have my phone number.
4. During the most recent Legislative Session meetings, you never invited me to attend except for the dinners (two). Instead, you took Ryan Cordova with you. The whole campus was wondering how come the Provost was not involved. I was embarrassed when I was approached and in multiple occasions, faculty and staff asked me this question. I understand, it was a period for your candidacy.

These are just a few examples of how Academic Affairs and my role as Provost were not considered important. For over two years, I have had to put up with attitudes, gossip, disrespect and a total disregard for human dignity evident in the comments and actions during the executive meetings. I have expressed concerns about references to my ethnic background. I have expressed concerns how is it possible for a board member tell the president and the interim president to speak with faculty and employees about what she has heard from others through her private communications and which in her estimation she considered "a reliable source". This is a blatant and cavalier attitude of **micro managing, abuse of power and total disregard for due process.**

In addition, this same Board member was heard planning a Northern Student Night out with Ricky Serna at a popular place in Espanola where alcohol would be served because business was not doing well. An employee was present during this conversation that took place inside a vehicle where he was a passenger on the way to a dinner where Northern staff members attended. Dates and time are available, so is the conversation.

meetings with superintendents had to take place. I have met in numerous occasions to address this issue. Let me remind you that you went in front of the legislature to complaint about the cost of dual credit. The Higher Learning Commission has very strict expectations about the credentials who teach

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I know you have expressed the same concerns and indicated that you were tired of similar requests by board member(s)

Let me give you six examples:

1. Employees that were heard at a Bar in Albuquerque speaking badly about Northern. The Human Resource director called this individual, humiliated her and told her she will be written up. This employee has extensively spoken to me about this situation.
2. Faculty member that is dating her students. I was told during an executive meeting to speak with her.
3. Faculty member that speaks too much about sex in his class whose class content include: sex, gender and ethnicity.
4. Faculty member that writes or contributes to the blog, what are you going to do with him?
5. Is Dean X having trouble with women? He is not married and might be feeling too much empathy for one of his employees! You better talk to him!
6. Employee X who spoke with the vet of an administrator and expressed negative comments about Northern, was labeled as a trouble maker. Recently, this employee left Northern but the story that was told in an Executive Session has been repeated to me by two other staff members who were not present at the executive session!

Domingo, you cannot sit back and let bad things happen! Nor can you ethically allow others to speak ill and spread rumors about others that are unfounded!

Class Schedules- this has been the excuse given for low enrollment and as an excuse to claim that students do not come to Northern because they cannot get their courses. You well know that when I came to Northern, there were classes held with two and three students, that's because the funding formula rewarded number of students regardless of the number of courses. That of course has changed and this was explained to you during two academic affairs meetings. In addition, Nancy Barceló and Chayo Garcia expressed concerns at the number of dwindling evening courses and students due to empty parking lots! This information was recorded during a Public Regents Meeting. You have the minutes! When in fact over 60% of our classes are in the evening, you were skeptical and I gave you the numbers and data just like I had to Nancy Barceló. The following Board of Regents meeting she retracted her statement (see Board of Regents minutes). This was another red herring to diffuse the dismal enrollment debacle at Northern. Let me quote Regent D. Martinez: "If you were a business, you will have been shut down a long time!"

Time and time again, chairs and deans have pointed out that students nor adjuncts want to come to classes three times a week. There are not popular. Recently, Ivan Lopez pointed that out to you this fact from student surveys. I don't see what the problem is except another statement and embellishment for the purpose of justifying this evaluation.

Dual Credit- this area was assigned to Ricky Serna and given the attitudes about how other administrative units operated, I would not dare to touch. In many occasions administrators will use the term: "my people". I was told to stay out of the areas that were assigned to other administrators. Although related to dual credit, I did most of the work whenever a problem had to be addressed or

created a perception by faculty which has been expressed multiple times that the Board simply does not care about academics.

Item #8 Indeed, I had a hard time adapting to an environment that was hostile and exclusive. You have said in public: ***"Rusty had a target on your back"***. You have said to me and to others as well as repeated this during several meetings with the Deans. Some of which were quite surprised wondering why would you say something like that in public. Some viewed it as a revisionist version to distance yourself from Rusty, ***"I was Rusty's friend but did not necessarily agree with her decisions."*** DS.

Let me give you at least four examples to illustrate my point:

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2. In October of 2014, when the former Secretary of Higher Education Department, Jose Garcia, called me to express his concerns about procurement practices, missed meetings, etc. that he claimed were a pattern at Northern, I became ostracized because I shared his comments with you and Rusty. As a matter of fact, you were quite annoyed at this and expressed an expletive when I told you what Jose Garcia had communicated. Domingo, I was just the messenger!
3. There were numerous times that Rusty, you and Ricky, met for meetings at La Cocina and I was excluded until one particular day, by coincidence, I walked in during one of these meetings. I was informed by an administrative secretary that this was going on and was told that you were having a breakfast meeting at La Cocina. Rusty was quite shocked when I walked in and excused herself for forgetting to invite me because according to her, she did not have my phone number.
4. During the most recent Legislative Session meetings, you never invited me to attend except for the dinners (two). Instead, you took Ryan Cordova with you. The whole campus was wondering how come the Provost was not involved. I was embarrassed when I was approached and in multiple occasions, faculty and staff asked me this question. I understand, it was a period for your candidacy.

These are just a few examples of how Academic Affairs and my role as Provost were not considered important. For over two years, I have had to put up with attitudes, gossip, disrespect and a total disregard for human dignity evident in the comments and actions during the executive meetings. I have expressed concerns about references to my ethnic background. I have expressed concerns how is it possible for a board member tell the president and the interim president to speak with faculty and employees about what she has heard from others through her private communications and which in her estimation she considered "a reliable source". This is a blatant and cavalier attitude of **micro managing, abuse of power and total disregard for due process.**

In addition, this same Board member was heard planning a Northern Student Night out with Ricky Serna at a popular place in Espanola where alcohol would be served because business was not doing well. An employee was present during this conversation that took place inside a vehicle where he was a passenger on the way to a dinner where Northern staff members attended. Dates and time are available, so is the conversation.

I know you have expressed the same concerns and indicated that you were tired of similar requests by board member(s)

Let me give you six examples:

1. Employees that were heard at a Bar in Albuquerque speaking badly about Northern. The Human Resource director called this individual, humiliated her and told her she will be written up. This employee has extensively spoken to me about this situation.
2. Faculty member that is dating her students. I was told during an executive meeting to speak with her.
3. Faculty member that speaks too much about sex in his class whose class content include: sex, gender and ethnicity.
4. Faculty member that writes or contributes to the blog, what are you going to do with him?
5. Is Dean X having trouble with women? He is not married and might be feeling too much empathy for one of his employees! You better talk to him!
6. Employee X who spoke with the vet of an administrator and expressed negative comments about Northern, was labeled as a trouble maker. Recently, this employee left Northern but the story that was told in an Executive Session has been repeated to me by two other staff members who were not present at the executive session!

Domingo, you cannot sit back and let bad things happen! Nor can you ethically allow others to speak ill and spread rumors about others that are unfounded!

Class Schedules- this has been the excuse given for low enrollment and as an excuse to claim that students do not come to Northern because they cannot get their courses. You well know that when I came to Northern, there were classes held with two and three students, that's because the funding formula rewarded number of students regardless of the number of courses. That of course has changed and this was explained to you during two academic affairs meetings. In addition, Nancy Barceló and Chayo Garcia expressed concerns at the number of dwindling evening courses and students due to empty parking lots! This information was recorded during a Public Regents Meeting. You have the minutes! When in fact over 60% of our classes are in the evening, you were skeptical and I gave you the numbers and data just like I had to Nancy Barceló. The following Board of Regents meeting she retracted her statement (see Board of Regents minutes). This was another red herring to diffuse the dismal enrollment debacle at Northern. Let me quote Regent D. Martinez: "If you were a business, you will have been shut down a long time!"

Time and time again, chairs and deans have pointed out that students nor adjuncts want to come to classes three times a week. There are not popular. Recently, Ivan Lopez pointed that out to you this fact from student surveys. I don't see what the problem is except another statement and embellishment for the purpose of justifying this evaluation.

Dual Credit- this area was assigned to Ricky Serna and given the attitudes about how other administrative units operated, I would not dare to touch. In many occasions administrators will use the term: "my people". I was told to stay out of the areas that were assigned to other administrators. Although related to dual credit, I did most of the work whenever a problem had to be addressed or

meetings with superintendents had to take place. I have met in numerous occasions to address this issue. Let me remind you that you went in front of the legislature to complaint about the cost of dual credit. The Higher Learning Commission has very strict expectations about the credentials who teach classes. Although recently, you thought that this could be addressed by special certification, that's not the way it works. This is not a teacher certification issue. The individual teaching a class must have at least **18 credit hours** in the discipline they are teaching. If they are teaching students at the bachelor's level, they must have a higher degree. When I came to Northern, many teachers assigned to these courses did not have the credentials nor did they follow a syllabus. There were no records of their credentials nor their academic transcripts at the Office of Human Resources. These high school teachers could not be supervised by our deans and chairs as the HLC expects to follow the same procedures for regular faculty. I even found a superintendent, a maintenance service employee receiving stipends to assist in dual credit. I found that courses were offered without the proper supervision, and in some instances the class content did not match the course syllabi! All of these are serious findings that could have created findings for Northern by the HLC re-affirmation team. You assigned Frank Orona to dual credit. So why are you attributing the shortcomings to me and more so in this evaluation? As a matter of fact, PED during a visit applauded the actions that we (Academic Affairs) had taken to resolve the above problems that are prevalent in New Mexico. Even the Council of University Presidents has expressed concern which the Secretary of the Higher Education is trying to address.

Items #9-10 Let me clarified two things; I did not deny Jake Arnold or Tim Crone entrance to the restaurant as you have described! I simply told them that it was not a Public Meeting. Yes, we did not have quorum. I have no idea how a planned intimate dinner with the Visiting Committee became a public meeting, that's not standard practice. The visiting team did not want a public meeting. This is not what they wanted! I assume that someone forwarded an email at the last minute when contemplating that maybe more than two regents will be present. That did not occur!

Mr. Jake Arnold is not a representative of El Rito, he is a private citizen although he might claim he is. He simply lives at El Rito. Again this dinner should not have been scheduled and was not a public meeting. This issue could have been resolved by Regents deciding that no more than two will attend. The two above individuals should not have been present, there was no quorum, and their intentions were to discredit the college because they had been sending letters to HLC. A couple of the visiting team members asked me if these were the vocal group. They took pictures during this dinner and were in my opinion disruptive when they were talking to one another as if this was a spectacle. Their presence was an embarrassment for the team since the dinner was only intended to be with the Northern's leadership, not a **public meeting**! I went back to the calendar and announcements and cannot find that this was intended to be a public meeting!

Items 10&11

The Interim Director of Music

I had not received any verbal nor written communication that I needed to documents concerning with Karen Hall. If you have them, I would like to receive a copy. There is only one incident during one during Christmas, that I received second hand (I was not there nor were you) that the maintenance crew that went to decorate the building expressed some hostility by Karen because she had not been informed and created a disruption for classes. This is the only time you related a concern. However, I took action and wrote her expressing the concerns that the crew had, expressed. You incidentally mentioned that

you had heard of her attitude towards other employees. Again, I cannot write a reprimand without evidence just hearsay that seems to be the culture at Northern. Yes, I was present during she was being difficult Brandi whom I personally accompanied to the Fine Arts Building when she expressed that Karen was being difficult. On that same day, you came out of a meeting and exploded and told Antoniette and I that you wanted her out. You even apologized about your outburst. I think you scared Antoniette Jiron looked scared and shocked. Let me clarify that I did not want Karen as permanent, I did not want her contract to be a six- month contract because that area had been neglected with the absence of a Music Director, resignation from several faculty members and that of a secretary. Seeking a year contract is not permanency! My intentions were not to renew her contract at the end of her term. Instead that decision had a negative impact on the operation of the division of Fine Arts one that will have repercussions in this coming semester.

My threshold of tolerance is much higher than yours because I have to also think about how the absence of an individual affects the entire college. In this case, it did. Students were not being serviced, rumors about closing the school were rampant and at the end of the date you paid her the remaining salary for not doing work. That seems to be a great incentive for poor behavior!

I did not say anything during her termination because you had given her a letter explaining the reasons but had spoken with her before you came into the room. Besides, when she asked you if she needed to respond to the allegations, you told her that ***it did not matter***. Instead you told her that you will give her a salary for the next two months. What else should I have said since you always have the last word?

The unsuccessful hiring of the Dean is mainly yours and the Board's decision by simply changing the conditions of employment that were clearly defined in the advertisement. You have publicly said that *"the pendulum has swung to the other side"* and that the Board was not willing to contemplate tenure until a year after. Just recently, it has become two. There is no way you going to attract a Dean to this position without tenure for many reasons. The Deans and I have explained to you that this is common practice. How can you have a dean recommend tenure for a faculty member if s/he does not have tenure? The rationale that Rusty left a bad state in the Board's mouth is not good rationale. Also, if this were to be the practice at Northern, this will set a bad precedence for the entire system and I'm quite convinced that if brought up for discussion at CUP, there will be very strong opposition to that notion. Nancy Barceló never had tenure at any other institution. She did not earn it. It was the Board's decision at the time of her hiring to grant her tenure! Not granting tenure to a dean that has already earned it or to a faculty that brings a lot of experience just like Professor Vasilic is not a good practice. This isn't not a good rationale no matter how you explain it.

The fact of the position is quite clear: One candidate did not accept even though he was offered tenure because in his opinion the enrollment showed the instability of the College's future. The last candidate while discussing the possibility of coming, the rule changed contrary to the advertise that stated you must have or held tenure, implying that tenure will be granted upon employment just like we have done in two other searches. Did we falsely advertise? Or did the rules change in the middle of the game?

I want you to know that the faculty and the senate are quite aware of this issue and they see this as a threat to the tenure process and will become a hot issue for the new president. Why? Tenure has always been the foundation of stability for a core of faculty who are dedicated to teaching and helping students be successful.

There is another matter of concern, the entire college is very skeptical about your conversations with "Rick" as you refer to him. They feel that he is only listening to one voice and that perhaps the real picture is not being portrayed creating perhaps different expectations about Northern.

I hope you carefully read and ponder on my rebuttal of your evaluation. I personally find it full of generalities and lack of specificity. This has always been the criticism about this instrument. I know you have worked hard during this transition period but you were trying to do it on your own. I offered my services especially in the grant area and you did not accept. As a result, we lost 2 ½ million dollars and personnel that provided a great deal of support to the Advisement and Financial Aid Offices. Those offices are unstable and skeptical about the organization and decisions that have been made.

I asked you why the state auditors were on campus and you gave me two general statement but I could not help seeing Kevin Powers face when I approached to give the good news about our successful accreditation, flushed red and avoided eye contact. I am sure that I have always been the usual suspect! However, I have always been straight and I do not play the games you have been used to. I want you to know that I take pride in leading four successful accreditations and the reaffirmation that was in peril due lack of oversight and the lack of attention for academic affairs than span over five years of your tenure. Northern has survived up to now, based on those events that were spearheaded by faculty and some staff.

I want you to know that have been communicated to me by members of Northern that you have taken the liberty to talk about this evaluation. Since when do you share personnel information with others? In one instance, you insisted to tell your reasons for your evaluation and you were told to stop. Instead, you said: ***But I want to!***

I want to make sure that my above statements are included with your evaluation. And I hope that if you are a person with integrity, you will.

Thank you,

Dr. Pedro L. Martinez

Hamish Thomson

From: Hamish Thomson
Sent: Thursday, August 25, 2016 4:32 PM
To: 'Pedro Lorenzo Martinez'
Subject: RE: Other Equipment

Pedro,

Thank you for taking the time to provide these four emails regarding Northern NM College.

I will be in touch after reviewing this information.

Respectfully,

Hamish

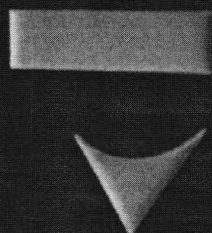
From: Pedro Lorenzo Martinez [mailto:pedrolmartinez2010@hotmail.com]
Sent: Thursday, August 25, 2016 12:49 PM
To: Hamish Thomson <Hamish.Thomson@osa.state.nm.us>
Subject: Other Equipment

This equipment , #1000,000 sits idle in a lab in the Vocational Tech Building. It has never been used. Also I saw document with Mr. Leroy Lucero has and was supposed to return to me. There was no bidding, there was a note saying that this was the only company that sold this equipment. I was told B by Ulises Ricoy that this was an inferior product and that other companies had better equipment. I gave Mr Leroy Lucero over 50 purchase requisitions. He told me himself that Domingo and him could only account for \$250,000 worth of equipment. I also gave him the purchase requisitions that they used to renovate the El Rito kitchen, I believe it was approximately \$350,000. I received copies from Stephanie Lovato in grantss when I was looking for information of other equipment bought. She told me: "Oh by the way, there are also purchases for equipment at El Rito claiming that it was fro a program (Culinary Art) that we never had". These, I also gave to Mr. Leroy Lucero and told Domingo about it.

PS will make copies of the PAF for Joaquin Gallegos and the letter of concern about the consultant getting paid without submitting work. I can copy these and leave them in your office or mail them. I'm going away for the week end and will not be back until Wednesday.

I also have a calendar of days from executive members who stay home for days and days "working from home" and never reported absences. especially one person who has two of his own businesses.

PLM



PerkinElmer

Gas Chromatograph

Clarus[®] 680

PROPERTY OF
NNMC



F0033



Hamish Thomson

From: Pedro Lorenzo Martinez <pedrolmartinez2010@hotmail.com>
Sent: Friday, September 2, 2016 11:04 AM
To: Hamish Thomson
Subject: oivil Rights Violation
Attachments: Title VI Violation.docx

Attach please find a report and other information related to closing of educational programs. I am not sure if this within your scope but certainly is seems to be a violation of Title VI. If not, let me know to whom I should submit this information.

Thank you,

Dr. Pedro L. Martinez

This information was extracted from the:
Academic Planning Taskforce
Report 2013-2014

Provided to President Barceló and his administration by Deans Ellen Trabka and Ivan Lopez
Figure 10: Enrollment Distribution (FTE) per College

Another data element that was considered is the enrollment and graduation per program. It is very important to consider this since the overall degree/credit production per college does not reflect well the specific fields that are needed per program (for example, one College may be very small but may have a very successful program)

Next we present both the programs with the largest number of graduates and the largest number of enrolled students. See Tables 3 and 4.

Total graduates in the last three years				
Program		College	Total	Total with Normalization
AAS /AS	Nursing	Nursing and Health Sciences	64	320
BBA	Accounting ALL	Business Administration	81	162
AAS	Radiologic Technology	Nursing and Health Sciences	25	125
BE	Information Engineering Tech	Engineering	14	84
BS	Biology	Arts and Sciences	13	78
AAS	Massage Therapy	Nursing and Health Sciences	12	60
BS	RN to BSN	Nursing and Health Sciences	10	60
BS	Environmental Science	Arts and Sciences	9	54
BS	Integrative Health Studies	Nursing and Health Sciences	9	54
BA	Elementary Education	Education	25	50

Table 3: Top-ten programs in graduation headcounts last 3-year

Enrollment (FTE)			
Program		College	Total
AAS	Nursing (ADN)	Nursing and Health Sciences	469
BBA	Business Administration/Management	Business Administration	323
AAS	Radiologic Technology	Nursing and Health Sciences	312
AA	General Studies	Arts and Sciences	149
AA	Elementary Education	Education	148
BAIS	Psychology	Arts and Sciences	130
AS	Biology	Arts and Sciences	115
BS	RN to BSN	Nursing and Health Sciences	113
AAS	Environmental Science	Arts and Sciences	104
BE	Information Engineering Tech	Engineering	102

Table 4: Top-ten programs in 3-year average duplicated FTE enrollment.

Revenue	SCH	Revenue (\$5)	Graduates	Revenue (\$250)	FTE	Revenue (Tuition \$1368)	Total	Revenue Distribution
Nursing and Health Sciences	3433.33	\$17,166.67	214.67	\$53,666.67	666.00	\$911,088.00	\$981,921.33	24.57%
Business Administration	4249.33	\$21,246.67	74.00	\$18,500.00	501.00	\$685,368.00	\$725,114.67	18.14%
A & Sciences (HSS)	5631.66	\$28,158.30	55.67	\$13,916.67	464.00	\$634,752.00	\$676,826.97	16.94%
Education	1440.00	\$7,200.00	27.33	\$6,833.33	230.00	\$314,640.00	\$328,673.33	8.22%
Engineering	1070.33	\$5,351.67	58.00	\$14,500.00	208.00	\$284,544.00	\$304,395.67	7.62%
CTE	2986.33	\$14,931.67	21.67	\$5,416.67	198.00	\$270,864.00	\$291,212.33	7.29%
A & Sciences (BIOL/CHEM)	2756.00	\$13,780.00	26.00	\$6,500.00	162.00	\$221,616.00	\$241,896.00	6.05%
A & Sciences (ENV SCIENC)	1121.75	\$5,608.75	26.33	\$6,583.33	155.00	\$212,040.00	\$224,232.08	5.61%
A & Sciences (FDMA)	631.33	\$3,156.65	2.00	\$500.00	38.00	\$519,84.00	\$55,640.65	1.39%
A & Sciences (ART)	2230.00	\$11,150.00	2.67	\$666.67	32.00	\$437,76.00	\$55,592.67	1.39%
A & Sciences (MUSIC)	653.33	\$3,266.65	1.67	\$416.67	35.00	\$47,880.00	\$51,563.32	1.29%
A & Sciences (MATH)	4286.66	\$21,433.30	0.00	\$0.00	11.00	\$15,048.00	\$36,481.30	0.91%
A & Sciences (LANG & LETTERS)	4612.33	\$23,061.65	0.00	\$0.00	0.00	\$0.00	\$23,061.65	0.58%

V) Recommendations

Based on the data presented and some urgent needs of programs the Taskforce recommends the following actions.

Academic Year 2014-2015

College-wide recommended priorities

1. Increase enrollment and retention/graduation rates.
2. Make assessment a priority of the college and determine what kind of leadership is needed to institutionalize assessment.
3. Improve the student advisement services at the college.
4. Implement new curriculum standards for the minimum number of credits required for both an associate degree (60 credits) and a bachelor's degree (120 credits) to be consistent with national standards.
5. Increase the college funding in terms of grants and capital campaign.
6. Update and review current college policies to reflect changes at Northern.
7. Approve the faculty handbook.
8. Establish mandatory student orientation for all new students registering for online classes.
9. Require online training for faculty teaching online courses and enforce Quality Matters standards.
10. Hire an instructional designer.
11. Increase the number of online classes offered by 3-5% over the next three years.

12. Establish a 3-year plan to increase faculty salaries.
13. Establish a 3-year plan to increase the number of full time faculty.

Academic Year 2015-2106

College-wide recommended priorities

1. Increase enrollment and retention/graduation rates.
2. Make assessment a priority of the college and determine what kind of leadership is needed to institutionalize assessment.
3. Improve the student advisement services at the college.
4. Implement new curriculum standards for the minimum number of credits required for both an associate degree (60 credits) and a bachelor's degree (120 credits) to be consistent with national standards.
5. Increase the college funding in terms of grants and capital campaign.
6. Update and review current college policies to reflect changes at Northern.
7. Approve the faculty handbook.
8. Establish mandatory student orientation for all new students registering for online classes.
9. Require online training for faculty teaching online courses and enforce Quality Matters standards.
10. Hire an instructional designer.
11. Increase the number of online classes offered by 3-5% over the next three years.
12. Establish a 3-year plan to increase faculty salaries.
13. Establish a 3-year plan to increase the number of full time faculty.

Associate's Program Enrollment Trends

Fall 2011- Fall 2014

Degree	Major	College	Fall 2011	Spring 2012	Fall 2012	Spring 2013	Fall 2013	Spring 2014	Fall 2014	Growth FTE/sem
AA	Liberal Arts	Arts and Sciences					3.4	9.3	24.8	3.44
AAS	Electrical Technology	CTE	4.6	4.7	4.4	11.8	11.5	15.6	14.4	2.09
AA	Dance	Arts and Sciences	1.0	0.8					14.4	1.37
AE	Software Engineering	Engineering	7.3	5.8	11.4	9.7	10.4	9.9	8.7	0.41
AS	Mathematics	Arts and Sciences	2.6	1.7	4.2	4.8	6.9	9.0		0.33
AAS	Auto Body Repair	CTE	15.2	14.8	18.2	21.8	13.5	19.3	16.4	0.28
AA	Art/ Southwest Heritage Arts	Arts and Sciences	13.6	9.6	8.9	5.8	10.6	13.0	10.0	-0.07
AAS	Plumbing Technology	CTE	1.1				1.0			-0.08
AAS	Constru Trades Technology	CTE	1.0	1.0						-0.17
AAS	General Business	Business Ad	1.0	1.2	0.2	0.5	0.2			-0.19
AS	Biology	Arts and Sciences	5.8	5.7	4.2	7.6	5.1	7.4	2.1	-0.24
AAS	Management Information Syste	Business Administration	1.4	1.2	0.6					-0.25
AAS	Massage Therapy	Nursing and Health Sciences	14.8	13.5	19.6	17.8	13.0	15.6	13.3	-0.26
AAS	Library Technology	Arts and Sciences	2.0	1.4	0.2	0.5	0.2	0.2	0.3	-0.26
AAS	Police Science	Arts and Sciences	3.3		1.1				1.0	-0.28

AA	Pueblo Indian Studies	Arts and Sciences	2.6	5.3	1.2	2.6	2.3	2.7	0.5	-0.37
AAS	Fiber Arts	Business Administration	2.1	2.4	0.8	0.6	0.2	0.6		-0.37
AS	Science	Arts and Sciences	2.2	1.7	3.8	3.2	1.8	0.5		-0.39
AA	Theatre	Arts and Sciences	4.7	3.1	1.8		2.2	1.3	1.8	-0.43
AAS	Environmental Science/Prefor/Agroeco/Env Manage	Arts and Sciences	20.5	21.6	25.3	29.6	23.4	19.3	18.5	-0.44
AAS	Barbering	CTE	16.7	12.4	11.7	15.5	11.4	7.9	15.6	-0.45
AAS	Allied Health	Nursing and Health Sciences	5.7	5.7	5.9	2.9	3.6	3.2	3.9	-0.45
AE	Information Engineering Tech	Engineering	9.2	6.1	4.2	3.0	5.4	3.5	6.2	-0.46
AAS	Accounting	Business Administration	4.4	0.5	0.1					-0.51
AAS	Radiation Protection	Arts and Sciences	5.6	5.0	4.5	2.8	3.0	2.7	2.3	-0.57
AAS	Laboratory Biotechnology	Arts and Sciences	4.2	2.1	0.9	0.6	0.5	0.5		-0.58
AAS	Cosmetology	Business Administration	31.5	32.8	36.7	33.8	36.2	27.8	27.8	-0.77
AAS	CAD (Archit,Civil, Mech, Elect, Industrial)	CTE	11.3	14.0	11.3	13.0	9.0	9.9	7.4	-0.78
AA	Human Services in Soc Sci	Arts and Sciences	17.2	15.2	12.9	10.6	17.6	12.8	9.7	-0.80
AE	Pre-Engineering	Engineering	9.1	6.2	6.9	7.5	5.3	5.0	2.3	-0.87
AAS	Renewable Energy	CTE	6.9	3.8	1.9	1.9	1.0	1.0	1.0	-0.87
AAS	Welding Technology	CTE	9.2	16.6	13.6	11.0	10.9	9.3	6.7	-0.89
ALTER	ALP ALL	Education	14.7	9.9	14.7	14.7	10.9	9.4	7.9	-0.90
AAS	Substance Abuse Counselor/Human Services Human Service in Soci	Arts and Sciences	14.6	12.7	11.5	11.4	11.6	8.1	8.5	-0.99
AAS	Span Col Cabt/Furn Making	Arts and Sciences	6.0	5.3	7.5	5.8	1.0			-1.25
AAS	Office Administration	Business Administration	15.5	10.6	6.3	7.9	4.1	4.8	7.8	-1.32
AAS	Automotive Technology	CTE	20.4	22.8	21.7	20.9	16.1	18.2	9.5	-1.69
AM	Jazz Studies	Arts and Sciences	9.0	11.8	1.6	2.0			1.3	-1.73
AA	Criminal Justice	Arts and Sciences	52.8	39.6	39.0	24.6	34.5	32.7	40.8	-1.94
AA	Business Administration	Business Administration	41.0	33.0	37.7	36.6	25.4	25.0	30.8	-2.10
AA	Film and Digital Media Arts	Arts and Sciences	16.1	19.8	25.1	23.4	10.2	10.7	7.5	-2.10
AA	Early Childhood Education	Education	19.9	19.1	15.6	18.9	17.8	13.4	2.2	-2.23
AA	Elementary Education	Education	54.2	55.9	59.2	57.8	52.5	47.2	2.2	-6.44
AA	General Studies	Arts and Sciences	95.9	74.1	83.3	59.7	44.5	36.6	17.3	-12.49
AAS	Radiologic Technology	Nursing and Health Sciences	95.0	77.8	75.4	59.4	42.2	37.6	7.2	-13.48

AAS	Nursing (ADN)	Nursing and Health Sciences	180.5	168.1	139.2	125.9	104.6	99.6	96.1	-15.18
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Note: The values in the cells (except for the last column in yellow) represent the absolute number of declared FTE enrolled per semester in each of the associate's programs from Fall 2011 to Fall 2014.

A linear regression analysis was done to calculate the growth of each program (statistically, this is a minimization of the mean squared error and it is the most common method to analyze data trends). The important result is shown in the **growth** column. This column represents the average growth per semester (increase or decrease in the number of FTE per semester). For example, in the AA in Liberal Arts (College of Arts and Sciences), a 3.44 (in the Growth cell) means that the linear trend of this degree is growing at a rate of 3.44 FTE per semester (or 6.88 FTE per year). A negative growth like in the last row (AA Nursing) a -15.18 means that the linear trend of this degree is *decreasing* at a rate of 15.18 FTE per semester (or 30.36 FTE per year). In other words, positive values in the **growth** cell represent programs that have increased its enrollment in the last 3 years, negative values represent programs which enrollment have decreased in the last 3 years.

If the **growth** cell shows a value close to ZERO, it means that the FTE has remained fairly constant in the last 3 years.

Notes:

a) some cells in the table appear blank: this represents a zero enrollment for that particular semester.

b) the table was arranged from the program with the highest increase rate to the program with the highest decrease rate.

Conclusion:

First Issue

Despite the data that showed that both the Automotive Program and the Radiology Programs showed that it had a larger number of student majors in comparison to other academic programs, these programs were eliminated. There is also evidence that the numbers provided to the Board of Regents were purposely changes, a pattern that IO had seen in the last two years. Despite the fact that Registrar Sena corrected these numbers and provided the correct data to President Barceló, she was threatened and told that the information should not go outside the office of the President. Barceló's administration went ahead and recommended the Board of Regents to close these programs; thus denying students in Rio Arriba County the opportunity to pursue a career in areas that would have provided them income and job security. In multiple occasions during Executive Meetings, Barceló admitted that she should have kept the programs and should have gotten "rid of the leadership" of these programs. I personally witnessed statements and the conversations that showed indignity, disrespect and plain hatred towards Gil Sena and Michael Frain. In particular, Gil Sena was targeted for his active role in the Union and his involvement with a vote of no-confidence against the Barceló administration. In addition, the Vice President of Finances and Administration denied or stalled the process for giving the equipment to Santa Fe Community College because Barceló wanted to bring the programs back. It must be noted that Santa Fe Community College is now running these two programs and are successfully graduating students.

In multiple occasions both Deans responsible for this report acknowledged and complaint that they were not consulted in the closing of these programs and that Barceló did not provide the report to the Board of Regents. This action or lack of action gives credence to the fact that the programs were closed due to low enrollment but simply because there was animosity against the director and coordinator of these programs as a retaliatory measure for the role these individuals played while exercising their right to their opinion related to the performance of the Barceló administration. Aside from the above facts, the loss of income and the mental anguish suffered by the individuals whose jobs were eliminated, Northern students were denied to participate in educational programs resulting in the loss of equal educational opportunity, a right that every student has and protected by the Office of Civil Rights, Title VI. Giving the circumstances of a seemingly fraudulent scheme perpetrated by Northern's Administration in the Summer of 2014, the Faculty Senate should ask the Higher Education Department and the Office of Civil Rights to investigate this matter and provide a report of the allegations made above. Such actions also have usurped the rights of faculty to be consulted in matters pertaining to academic programs and have clearly violated students' rights to an education.

TITLE VI REQUIREMENTS

The Office for Civil Rights (OCR) within ED has responsibility for enforcing Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin in programs and activities that receive federal financial assistance.

School districts receiving federal financial assistance may not, on the basis of race, color, or national origin:

- provide services, financial aid, or other benefits that are different or provide them in a different manner;
- restrict an individual's enjoyment of an advantage or privilege enjoyed by others;
- deny an individual the right to participate in federally assisted programs; and
- defeat or substantially impair the objectives of federally assisted programs.

Documentation of Breach of Contract by NNMCM with AFSC

The contract between Northern New Mexico College (NNMC) and the American Friends Service Committee (AFSC), signed July 1, 2015, states that NNMC will "provide use of the cold storage and dry storage located in the JCI building by the AFSC Farm Training Program". The contract was agreed to from July 1-June 30, 2015.

However NNMC also signed a contract with the County of Rio Arriba to use the same space and additionally the commercial kitchen in the JCI building. The County of Rio Arriba then subcontracted with the nonprofit organization Siete del Norte to manage the space. NNMC staff Stephanie Lovato and Henriette Trujillo said they were not aware that the County made that arrangement. AFSC co-director Sayrah Namaste asked for a copy of the contract between NNMC and the County on June 27th and again on July 6th but was never given a copy. Domingo said that Ricky Serna, who signed the contract with AFSC in previous years, had also signed a contract with the County in 2015 and 2014 despite having a contract with AFSC over the same space.

On May 20th, AFSC found out from Steve Vigil, staff person at Siete del Norte, that we would no longer have access to the cold and dry storage. The keypad that opened the doors was changed and the code and main key were in the possession of Siete del Norte. If AFSC wanted to use the space, we had to ask Siete del Norte and the staff had to agree and personally open it for us if they were available. This was untenable. AFSC was no longer able to use the cold and dry storage. This could not have come at a worse time as we not only had weekly harvests and sales that required cooling in May and June, but we were preparing for our major event, the annual Garlic Festival on June 25th, co-organized by AFSC, NNMC and the New Mexico Acequia Association. The dry racks were needed for the garlic that would be harvested. Steve Vigil of Siete del Norte told AFSC that we would not be allowed to dry our garlic on the racks and that we needed to take the dry racks out of the space. All of this was in breach of our contract. We also needed the cold storage in the days leading up to the event as we provide food to the attendees. Professor Ana Cisneros Gutierrez (not an AFSC staff person but a NNMC faculty) was able to negotiate with Steve Vigil to put the food in the cold storage for the June 25th event. AFSC had to tear down the dry racks and was unable to use the space for the garlic drying.

On June 27th, AFSC staff Sayrah Namaste and Patrick Jaramillo along with NNMC Professor Patricia Trujillo and NMAA staff Pilar Trujillo (no relation) had an appointment with Henrietta Trujillo (no relation) to renegotiate the annual contract between AFSC and NNMC. Unfortunately Henrietta had a family emergency so she asked Stephanie Lovato to fill in. There has been a year long contract between the NNMC and AFSC since 2012. Stephanie told the group that the cold storage and dry storage had to be removed from the contract because NNMC had already signed contracts with the County over that space. The group explained that this was a problem to have it removed as that infrastructure was key to the project. A follow up conversation on July 6th between Sayrah, Henrietta Trujillo and Domingo Sanchez of NNMC by telephone was about the problem of AFSC not being able to use the space, and the fact that the

space was empty despite the County/Siete del Norte having a contract. Domingo offered to talk with the County and get back to her. As of August 15th, AFSC has never heard back from NNMC and the contract expired on July 1, 2016.

Hamish Thomson

From: Sayrah Namaste <SNamaste@afsc.org>
Sent: Wednesday, August 24, 2016 2:56 PM
To: Hamish Thomson
Subject: NNMC invoices
Attachments: NNMCApriltoJune2016 INVOICE.pdf; NNMCInvoiceJantoMarch2016.pdf; NNMCInvoiceDec2015Namaste.pdf; NNMCInvoiceJulyAugSept2015Namaste.pdf

Attached are the invoices NNMC gave us quarterly this past year.
We have invoices going further back for all of the years we worked with them.
Yes we paid them \$30,000 from July 2015-June 2016.

Sayrah Namaste
Co-director, AFSC New Mexico
505-842-7343

NORTHERN NEW MEXICO COLLEGE
921 Paseo De Oñate
Española, New Mexico 87532



Invoice No. 41451-13

INVOICE

Customer

Name AFSC-New Mexico
 Attn: Sayrah Namaste/Project Director
 Address 2047 Tapia SW
 City Albuquerque State NM ZIP 87105
 Phone 505-842-7343

Misc

Date 6/24/2016
 Contract # _____
 FED ID # 85-6000545
 Terms Due Upon Receipt

Qty	Description	Budget	Current Amt	YTD Actual
	Invoice for Farm Trainer 04/01/16 through 06/30/16	\$ 27,000.00	\$ 6,750.00	\$ 27,000.00
				-
				-
				-
				-
	<u>Administrative Cost</u>	3,000.00	750.00	3,000.00
	I certify that the amounts invoiced herein are correct and just and that payment therefore has not been received.			
	Stephanie Lovato, Grants Accountant			
	SubTotal	\$ 30,000.00	\$ 7,500.00	\$ 30,000.00

Tax Rate(s)

Comments

TOTAL

\$ 7,500.00 \$ 30,000.00

Office Use Only

Due Upon Receipt

For questions regarding this invoice, please contact Stephanie Lovato, Senior Accountant (505) 747-2133

NORTHERN NEW MEXICO COLLEGE
921 Paseo De Oate
Española, New Mexico 87532



Invoice No. 41451-12

INVOICE

Customer

Name AFSC-New Mexico
 Attn: Sayrah Namaste/Project Director
 Address 2047 Tapia SW
 City Albuquerque State NM ZIP 87105
 Phone 505-842-7343

Misc

Date 4/14/2016
 Contract # _____
 FED ID # 85-6000545
 Terms Due Upon Receipt

Qty	Description	Budget	Current Amt	YTD Actual
	Invoice for Farm Trainer 01/01/16 through 03/31/16	\$ 27,000.00	\$ 6,750.00	\$ 20,250.00
				-
				-
				-
				-
	<u>Administrative Cost</u>	3,000.00	750.00	2,250.00
	I certify that the amounts invoiced herein are correct and just and that payment therefore has not been received.			
	Stephanie Lovato, Grants Accountant			
	SubTotal	\$ 30,000.00	\$ 7,500.00	\$ 22,500.00

Tax Rate(s)

TOTAL \$ 7,500.00 \$ 22,500.00

Office Use Only

Due Upon Receipt
 For questions regarding this invoice, please contact Stephanie Lovato, Senior Accountant (505) 747-2133

NORTHERN NEW MEXICO COLLEGE
921 Paseo De Oate
Española, New Mexico 87532



Invoice No. 41451-11

INVOICE

Customer

Name AFSC-New Mexico
Attn: Sayrah Namaste/Project Director
Address 2047 Tapia SW
City Albuquerque State NM ZIP 87105
Phone 505-842-7343

Misc

Date 12/18/2015
Contract # _____
FED ID # 85-6000545
Terms Due Upon Receipt

Qty	Description	Budget	Current Amt	YTD Actual
	Invoice for Farm Trainer 10/01/15 through 12/31/15	\$ 27,000.00	\$ 6,750.00	\$ 13,500.00
				-
				-
				-
				-
	<u>Administrative Cost</u>	3,000.00	750.00	1,500.00
	I certify that the amounts invoiced herein are correct and just and that payment therefore has not been received.			
	_____ Stephanie Lovato, Grants Accountant			
	SubTotal	\$ 30,000.00	\$ 7,500.00	\$ 15,000.00

Comments _____

Tax Rate(s)

TOTAL \$ 7,500.00 \$ 15,000.00

Office Use Only

Due Upon Receipt
For questions regarding this invoice, please contact Stephanie Lovato, Senior Accountant (505) 747-2133



NORTHERN NEW MEXICO COLLEGE
921 Paseo De Oate
Española, New Mexico 87532

Invoice No. 41451-11

INVOICE

Customer

Name AFSC-New Mexico
ATTN: Sayrah Namaste/Project Director
Address 2047 Tapia SW
City Albuquerque State NM ZIP 87105
Phone 505-842-7343

Misc

Date 9/15/2015
Contract #
FED ID # 85-6000545
Terms Due Upon Receipt

Qty	Description	Unit Price	TOTAL
	Invoice for Farm Trainer 7/01/15 through 9/30/15		\$ 6,750.00
	Administrative Cost		\$ 750.00
		SubTotal	\$ 7,500.00
		Shipping	
		TOTAL	\$ 7,500.00

Comments _____

Tax Rate(s)

Office Use Only

Due Upon Receipt
For questions regarding this invoice? Please contact Stephanie Lovato, Senior Accountant (505) 747-2133

NORTHERN New Mexico College



SERVICE CONTRACT

This agreement is made and entered into on July 1, 2015 between American Friends Service Committee, hereinafter referred to as "AFSC," and Northern New Mexico College, hereinafter referred to as "CONTRACTOR." It is hereby agreed between the parties:

1. Scope/Description of Work:

The Contractor shall provide the following services The Parties agree to pursue collaborative efforts as follows:

- a) This agreement is effective upon full execution by both parties.
- b) All benefits of land improvements will be transferred to landowner after 4 (FY12-FY16) year period without charge with the interest that the CONTRACTOR will continue to use them for the common objectives with no legal obligation.
- c) AFSC may access the greenhouse, cold frames, shed, and intern office, for the common objectives and scope of work covered in this agreement during regular business hours or with prior notification to CONTRACTOR staff and campus security.
- d) The Parties will meet quarterly for program assessment and evaluation. Either party will document proceedings of these meetings, possibly with the AFSC evaluator.
- e) The Parties shall seek to identify and support educational programming that honors and reflects cultural sensitivities and that supports the Purpose and Objectives in this agreement.

RESPONSIBILITIES

Each Party shall appoint a person to serve as the official contact and coordinate the activities of each organization in carrying out this agreement. The Parties agree to the following assigned responsibilities to carry out the objectives of this agreement. Specific responsibilities related to a particular program or project shall be identified and defined through formal Addendums to this agreement, each such Addendum to be constructed and negotiated as needed and appropriate.

AFSC Role, Labor and Responsibilities:

Under this agreement AFSC will

- a) fund one part time Farm Trainer position for a total compensation amount not to exceed \$2,250 per month to the aforementioned Farm trainer/farm manager in cooperation with the College's project director to assure all AFSC grant requirements and expectations are met.

- b) provide administrative assistance for Sostenga Farm management and oversight to ensure adherence to grant objectives.
- c) assist Farm Trainer with procuring contracts and sales of agricultural products,
- d) coordinate tours of the Sostenga Farm for educational, support, and funding purposes of this AFSC project, manage all contracts for trainees farming the Sostenga Farm under the AFSC funding,
- e) manage all grant related accounts including payouts, and
- f) exchange ideas, discourse, and provide an information flow between participants.

Contractor's Role, Labor and Responsibilities

Under this agreement the CONTRACTOR:

- a) provide the Sostenga Farm location for training purposes;
- b) identify project director for carrying out the terms of the agreement with AFSC;
- c) the Farm Trainer with direction and guidance from AFSC;
- d) provide the use of the existing irrigation system and capabilities;
- e) allow access to the Sostenga Farm location to include weekends, evenings and holidays if necessary;
- f) allow photos and information about the project to be used by AFSC staff and programs;
- g) allow tours coordinated by AFSC of the Site for educational, support and funding purposes; work with AFSC evaluator for data collection;
- h) manage funds from sales of produce;
- i) assist with food sales to schools;
- j) support policy objectives of AFSC program; and
- k) CONTRACTOR will provide a qualified Farmer Trainer that meets AFSC requirements and complies with all tasks and duties identified in the job description;
- l) provide the use of the cold storage and dry storage located in the JCI building by the AFSC Farm Training Program.

2. Compensation:

Compensation and NTE amount are as follows: AFSC payment terms are as follows: Quarterly Payment upon receipt of invoice.

Year	FY16
Description	Amount
Payment for farm trainer	\$27,000
Administrative costs	\$3,000
Total:	\$30,000

CONTRACTOR is responsible for submitting invoices to: Sayrah Namaste/Project Director, AFSC-New Mexico 2047 Tapia SW Albuquerque NM 87105

3. Term:

This agreement shall become effective the date it is fully executed and signed. The agreement shall end on June 30, 2016.

4. Termination:

This Agreement may be terminated by either of the parties hereto upon written notice delivered to the other party at least thirty (30) days prior to the intended date of termination. By such termination, neither party may nullify obligations already incurred for performance or failure to perform prior to the date of termination.

5. Contract Amendments:

This agreement can be amended with 30 day written request from either participant. All amendments are effective upon mutual consent, and as presenting in writing as an addendum to this contract.

6. Budget Appropriation:

The terms of this Agreement are contingent upon sufficient budget being available and authorization being made by the VP for Finance for the performance of the agreement.

7. Release:

The CONTRACTOR, upon final payment of the amount due under this Agreement, releases AFSC, its officers, and employees from all liabilities, claims and obligations whatsoever arising from or under this Agreement. The CONTRACTOR agrees not to purport to bind AFSC to any obligation not assumed herein by AFSC, unless the CONTRACTOR has express authority to do so, and then only within the strict limits of that authority.

8. Notice:

The Procurement Code, Sections 13-1-190 throughout 13-1-199, NMSA, 1978, imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for illegal bribes, gratuities and kickbacks.

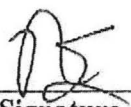
9. Equal Opportunity Compliance:

The CONTRACTOR agrees to abide by all Federal and State laws, rules, regulations, and executive orders of the governor of the State of New Mexico. The CONTRACTOR agrees to assure that no person in the United States shall, be excluded from employment on the basis of sexual preference, age, handicap, race, religion, color, national origin, ancestry, sex or medical condition, or participation within, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity performed under this Agreement. If the CONTRACTOR is found to be not in compliance with these requirements during the life of the Agreement, CONTRACTOR agrees to take appropriate steps to correct deficiencies

10. Other Provisions:

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date below.

CONTRACTOR:

Northern New Mexico College – Ricky A. Serna		VP for Advancement
Print Name		Title
921 Paseo de Oñate; Española, NM; 87532		
Address		
Social Security #:	Contract ID #:	
Federal ID Number:	CRS#:	DOB:
Phone Number:	Fax Number:	
		7/1/15
Signature		Date

Ricky Serna, VP for Advancement

AMERICAN FRIENDS SERVICE COMMITTEE:

Requested By		Date
Account Number:		
Budget Approval:		Date
Eisha Mason		
Executed by (Print):		Title
Eisha Mason, Assoc. Reg. Director		7-1-15
Signature		Date